



Work-Product

## UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-01741

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

### APPLICANT'S REQUEST

1. His NGB Form 22, *National Guard Report of Separation and Record of Service*, be corrected to reflect the following:

- a. Block 15, *Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded this Period*, be corrected to show award of the National Defense Service Medal (NDSM).
- b. Block 23, *Authority and Reason*, be changed to reflect a medical separation; or in the alternative, he be returned to duty.
- c. Block 24, *Character of Service*, reflected as Entry Level Separation (ELS) be changed to honorable.

2. He be awarded his enlistment bonus and given back pay and compensation while he was enrolled in college (additional request as annotated in his rebuttal).

3. He be granted a medical waiver and be allowed to join the Air Force Reserve Officers Training Corps (ROTC) (additional request as annotated in his rebuttal).

### APPLICANT'S CONTENTIONS

He served honorably in the Air National Guard (ANG) from 12 Jan 21 thru 8 Mar 22 which warrants award of the NDSM. He was discharged with an ELS but had over 210 days of active-duty service. He does not have any medical condition that precludes service and did not conceal his medical condition; therefore, at a minimum, he should be given an honorable discharge for medical and be entitled to Department of Veterans Affairs (DVA) benefits. XXY Klinefelter syndrome is not a medical condition but a chromosome abnormality to which he was unaware of having and was only disclosed due to a Health Insurance Portability and Accountability Act (HIPPA) violation because it was contained in his mother's medical records to which the Air Force had access to because she is retired military. The commander at **Work-Product** Air Force Base (AFB) was recently relieved from command because he did not fulfil his duty and adequately review

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Controlled by: SAF/MRB  
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waivers. He had and still is asymptomatic and his reason for discharge was because he may have symptoms in the future, which is unlikely. At ~~Work-Product~~ AFB, he was listed as active duty and an aerial gunner which were mistakes. He served honorably in the ANG for over 18 months and passed all requirements up to week 6 at Basic Military Training (BMT).

The applicant's complete submission is at Exhibit A.

## STATEMENT OF FACTS

The applicant is a former ANG airman first class (E-3).

On 16 Aug 21, DD Form 2808, *Report of Medical Examination*, indicates the applicant was medically disqualified for military service by reason of Klinefelter syndrome.

Dated 17 Aug 21, a memorandum from HQ AETC AFRS/RSG, provided by the applicant, indicates he was found to have a disqualifying medical condition. It is also noted he had 210 days of active-duty service (sic) in the military when the condition was discovered.

On 24 Aug 21, DD Form 214, *Certificate of Release or Discharge from Active Duty*, reflects the applicant was honorably discharged in the grade of airman first class (E-3) after serving 1 month and 12 days of active duty. He was discharged, with a narrative reason for separation "Completion of Required Active Service."

On 22 Dec 21, in a memorandum, provided by the applicant, his commander recommended he be discharged from the Air Force, under the provisions of AFI 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*, paragraph 3.14 for a physical disqualification.

On 8 Mar 22, NGB Form 22, *National Guard Bureau Report of Separation and Record of Service*, reflects the applicant was separated from the ANG with an ELS after serving 1 year, 1 month, and 23 days of total service for pay. He was discharged, with a narrative reason for separation "Physical Disqualification."

For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit C.

## APPLICABLE AUTHORITY/GUIDANCE

AFMAN 36-2806, Awards and Memorialization Program, dated 10 Jun 19, paragraph A13.3.1, states the National Defense Service Medal (NDSM) may be awarded to members of the U.S. Armed Forces, to include the U.S. Coast Guard, who are on active duty; members of the Selected Reserve in good standing; members of other than the Selected Reserve called to active duty; cadets in the Air Force Academy; and Air Force members who have completed Basic Training. The term "Selected Reserve" is defined by 10 U.S.C. Section 10143. The medal is not authorized for award to discharged or retired members who did not serve during one of the time periods for which the

medal is authorized; members of the Individual Ready Reserve, Inactive National Guard, or Standby Reserve unless activated under 10 U.S.C. Section 12301, 12302, or 12304; or Reserve Officer Training Corps cadets and members called to active duty for the sole purpose of undergoing a physical examination, for training only, or to serve on boards, courts, or commissions.

Table A13.1. National Defense Service Medal Qualifying Conflicts include the Korean War from 27 Jun 50 to 27 Jul 54, the Vietnam Conflict from 1 Jan 61 to 14 Aug 74, the Gulf War from 2 Aug 90 to 30 Nov 95, and the War on Terrorism from 11 Sep 01 to 31 Dec 22.

AFI 36-3208, *Administrative Separation of Airmen*, incorporating changes through 8 Jun 17, paragraph 1.18, the types of service characterization are as follows:

**Honorable.** The quality of the airman's service generally has met Air Force standards of acceptable conduct and performance of duty or when a member's service is otherwise so meritorious that any other characterization would be inappropriate.

**Under Honorable Conditions (General).** If an airman's service has been honest and faithful, this characterization is warranted when significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record.

**Under Other than Honorable Conditions.** When basing the reason for separation on a pattern of behavior or one or more acts or omissions that constitute a significant departure from the conduct expected of airmen. The member must have an opportunity for a hearing by an administrative discharge board or request discharge in lieu of trial by court-martial.

**Entry Level Separation.** Airmen are in entry level status during the first 180 days of continuous active military service or the first 180 days of continuous active military service after a break of more than 92 days of active service. Determine the member's status by the date of notification; thus, if the member is in entry level status when initiating the separation action, describe it as an entry level separation unless:

- A service characterization of under other than honorable conditions is authorized under the reason for discharge and is warranted by the circumstances of the case; or
- The Secretary of the Air Force determines, on a case-by-case basis, that characterization as honorable is clearly warranted by unusual circumstances of personal conduct and performance of military duty.

AFI 36-3209, states a member is considered Entry-Level Status in the first 180 days of continuous active military service. For members of a Reserve component who have not completed 180 days of continuous active military service and who are not on active duty, entry-level status begins upon enlistment in a Reserve component (including a period of assignment to a delayed entry program). Entry-level status ends 180 days after beginning an initial period of entry-level active-duty training. Thus, a member may be in entry-level status for more than 180 days after enlistment.

DoDI 1215.06, *Uniform Reserve, Training, and Retirement Categories*, paragraph 6.1.2, states Inactive Duty Training (IDT) is authorized training performed by members of a Reserve Component (RC) not on active-duty and performed in connection with the prescribed activities of the RC of which they are a member. It consists of regularly scheduled unit training periods, additional IDT periods, and equivalent training. The primary purpose of IDT is to provide individual and/or unit readiness training. IDT shall be used to provide structured individual and/or unit training, or educational courses, other than correspondence courses, to RC members. Support to mission requirements, i.e., operational support, may occur as a consequence of performing IDT. Per paragraph 6.1.4, active-duty is full-time duty in the active Military Service of the United States. It includes full-time training duty, annual training duty, and attendance, while in active Military Service, at a school designated as a Service school by law and the Secretary of the Military Department concerned.

## **AIR FORCE EVALUATION**

The AFBCMR Medical Advisor recommends denying the application finding insufficient evidence to support the applicant's request to change parameters on his NGB Form 22 discharge report. His aberrant chromosomal pattern existed prior to service (EPTS) and was not service aggravated. The known potential for developing other possible disqualifying conditions stemming from XXY individuals, coupled with the requirement for continued specialty follow-up as well as meeting DoD instructional guidance, clearly revealed no applied error or rendered injustice occurred on behalf of the DoD and the overall separation process was fair and appropriate.

According to the National Institute of Child Health and Human Development the term Klinefelter syndrome (KS), describes a set of features that can occur in a male who is born with an extra X chromosome in his cells. Usually, every cell in a male's body, except sperm and red blood cells, contains 46 chromosomes. The 45th and 46th chromosomes, the X and Y chromosomes, are sometimes called sex chromosomes, because they determine a person's sex. Normally, males have one X and one Y chromosome, making them XY. Males with KS have an extra X chromosome, making them XXY. Some males with KS may have both XY cells and XXY cells in their bodies. This is called mosaic KS. Mosaic males may have fewer symptoms of KS, depending on the number of XY cells they have in their bodies and where these cells are located.

In this case, the applicant's childhood medical records clearly documented his reported identification of KS at multiple young ages. At age 15, the reported chromosomal pattern was confirmed with blood analysis. The applicant, as a minor, was also being seen and followed by endocrinology at the University of Alabama. The endocrinologist did comment the applicant did not have obvious phenotypic (observable characteristics) usual changes associated with KS. This is in line with his additional comment of "the patient likely has a mosaic form of KS based on his clinical presentation." The Medical Advisor opines having this mosaic form of a chromosomal pattern is most likely why the applicant was able to pass his enlistment physical evaluation. After reviewing the medical evidence, the Medical Advisor also opines the applicant was aware of his aberrant chromosomal pattern at the time of his enlistment and despite his claim there were no genetic type questions on the enlistment medical history, which is correct, the post-service entry

discovery of an XXY pattern is still a disqualifying condition in accordance with DoDI regulatory guidance. Specifically, DoDI 6130.03, *Medical Standards for Military Service, Appointment, Enlistment, or Induction*, under miscellaneous disqualifying conditions, states, a history of any condition that may reasonably be expected to interfere with the successful performance of military duty or training or limit geographical assignment falls right in line with the endocrinologist recommendation of the requirement for the applicant to be in close proximity to endocrinology care and follow-up at all times and thereby making mobility restriction too high for continued military service.

The complete advisory opinion is at Exhibit C.

## **APPLICANT'S REVIEW OF AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 8 Feb 24 for comment (Exhibit D), and the applicant replied on 9 Feb 24. In his response, the applicant contends the Medical Advisor opined he had a history of treatment and symptoms of KS which is not accurate. He was completely unaware he had XXY chromosomes and was never told this and was not aware until he was told in BMT that an annotation was found in his mother's medical records. The reason for separation on his NGB Form 22 is incorrect, he never hid his condition and he had over 180 days of service. His parents never shared this information with him because he is asymptomatic. The Medical Advisor opines he did not have genetic testing and his waiver denial were based on his medical diagnosis and existing condition; however, he did have a medical genetics test conducted at **Work-Product** Air Force Base which revealed the XXY chromosomes. Furthermore, Genetic Information Nondiscrimination Act (GINA) protections do apply to him as he was a civilian until 16 Jan 21. He was on active duty for 210 days as stated in the medical waiver. He was on active duty for 28 days of Title 10 service and was a member of the ANG since 16 Jan 21 which is active duty by ANG standards before his genetics was identified. He should not require a waiver because he has no medical condition or history of a condition; a chromosome abnormality is not a medical condition according to the Cleveland Clinic. Before he entered the military, his mother had him seen by a doctor. He was examined and completed blood work and all tests came back completely normal with no history of hypogonadism, or symptoms of Klinefelter syndrome nor, was he treated with hormone supplements or any other medical treatment. No one wants to address the numerous administrative mistakes made; the GINA violations against military dependents recorded in medical records, and the disparity of acceptance of genetic conditions between races and sexes. African Americans can have sickle cell traits and are not excluded from the military. Also, the DVA does not even consider Klinefelter syndrome a medical condition, it is a congenital defect. As such, regardless of the character or quality of any evidence the veteran could submit, this condition is not recognized as a disability under the terms of the Veterans Affairs Schedule for Rating Disabilities (VASRD).

The applicant's complete response is at Exhibit E.

## **FINDINGS AND CONCLUSION**

1. The application was timely filed.

2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is not the victim of an error or injustice. The Board concurs with the rationale and recommendation of the AFBCMR Medical Advisor and finds a preponderance of the evidence does not substantiate the applicant's contentions. Specifically, the Board finds the applicant's aberrant chromosomal pattern (XXY) EPTS and was not service aggravated and is a disqualifying condition in accordance with DoDI regulatory guidance. The Board notes the applicant's contention he has had no adverse effects from Klinefelter syndrome; however, the known potential for developing other possible disqualifying conditions coupled with the requirement for continued specialty follow-up care makes his condition unqualifying for military service and finds no error with the discharge process. Additionally, the Board finds the applicant's rights were not violated when his military juvenile medical records were used to determine his qualification for continued military service and are needed when assessing a member's fitness to serve in the military and are used to determine if a member has pre-existing conditions that may interfere with his or her military duties. The applicant enlisted in the ANG on 14 Jan 21 but did not attend BMT until 13 Jul 21, hence the 210 days of active duty annotated in the 17 Aug 21 memorandum from HQ AETC AFRS/RSG is incorrect. 210 days reflects his inactive and active service time. For members of a Reserve component who have not completed 180 days of continuous active military service and who are not on active duty, entry-level status begins upon enlistment in a Reserve component and ends 180 days after beginning an initial period of entry-level active-duty training. Airmen are given entry level separation with uncharacterized service when they fail to complete a minimum of 180 days of continuous active military service and the applicant only served 1 month and 12 days of active service; therefore, the type of separation is correct as indicated on his NGB Form 22. Furthermore, the Board finds the applicant does not qualify for the NDSM because he failed to complete BMT which is a requirement for this award. Therefore, the Board recommends against correcting the applicant's records.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

## RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

## CERTIFICATION

The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2023-01741 in Executive Session on 20 Mar 24:

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Panel Chair  
, Panel Member

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Panel Member

All members voted against correcting the record. The panel considered the following:

Exhibit A: Application, DD Form 149, w/atchs, dated 23 May 23.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, AFBCMR Medical Advisor, dated 26 Jan 24.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 8 Feb 24.

Exhibit E: Applicant's Response, w/atchs, dated 9 Feb 24.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

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Board Operations Manager, AFBCMR  
Signed by: USAF

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