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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-03074

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COUNSEL: NONE

HEARING REQUESTED: YES

### APPLICANT'S REQUEST

Her "Uncharacterized" Entry Level Separation (ELS) be upgraded to an honorable discharge.

### APPLICANT'S CONTENTIONS

She completed basic training and was in Military Occupational School (MOS) for security forces. She was discharged because of "exercise induced asthma" and wants an upgrade in discharge character of service to honorable. Her separation was not a bad conduct separation. There were no disciplinary actions. The separation was because of a medical condition that occurred in service and was after she completed basic training. She was not aware of the possibility to request an upgrade prior to this year, and never understood the character of discharge. She is proud of her service and wished to stay in the Air Force.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a former Air Force airman basic (E-1).

On 30 Jun 98, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.14, for erroneous enlistment. The specific reasons for the action were as follows:

Medical Evaluation Report dated 17 Jun 98 indicates the applicant has asthma, which was not reported on her Standard Form 93, *Report of Medical History*. It was determined this condition existed prior to service (EPTS) and has not been permanently aggravated by service.

On 30 Jun 98, the Staff Judge Advocate found the discharge action legally sufficient.

On 6 Jul 98, the discharge authority directed the applicant be discharged with an ELS for erroneous enlistment.

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On 9 Jul 98, the applicant received an uncharacterized, ELS. Her narrative reason for separation is "Failed Medical/Physical Procurement Standards," RE code of "4C" and separation code of "JFW." She was credited with four months and six days of total active service.

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

#### **APPLICABLE AUTHORITY/GUIDANCE**

AFI 36-3208, dated 14 Oct 94, describes the authorized service characterizations that were applicable at the time of the applicant's separation.

**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.

#### **AIR FORCE EVALUATION**

AFPC/DP2SSR recommends denying the applicant's request to have her type of separation and service characterization changed to honorable. Airmen are given an entry-level separation, uncharacterized service characterization when separation is initiated in the first 180 days of continuous active service. Per DoDI 1332.14, *Enlisted Administrative Separations*, the

Department of Defense (DoD) determined if a member served less than 180 days continuous active service, it would be unfair to the member and the service to characterize their limited 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 19 Mar 24 for comment (Exhibit D), but has received no response.

## **FINDINGS AND CONCLUSION**

1. The application was not 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 AFPC/DP2SSR and finds a preponderance of the evidence does not substantiate the applicant's contentions. 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 four months and six days of active service, therefore, the type of separation and character of service are correct as indicated on her DD Form 214. The Board also notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Department of the Air Force Instruction 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence. The Board does not find it in the interest of justice to waive the three-year filing requirement. Therefore, the Board finds the application untimely and 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 application was not timely filed; it would not be in the interest of justice to excuse the delay; 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-2023-03074 in Executive Session on 5 Jun 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, dated 12 Sep 23.

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

Exhibit C: Advisory Opinion, AFPC/DP2SSR, dated 23 May 22.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 19 Mar 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.

6/7/2024

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Board Operations Manager, AFBCMR  
Signed by: USAF

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