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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-03141

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

1. His uncharacterized entry level separation (ELS) be upgraded to honorable due to a service-connected disability.
2. His name be changed on his DD Form 214, *Certificate of Release or Discharge from Active Duty*. No Board action needed-the applicant was sent a failure to exhaust letter informing him of the procedure for this request (Exhibit C).

APPLICANT'S CONTENTIONS

He is 100 percent service-connected for his disability from the Department of Veterans Affairs (DVA) and now needs his DD Form 214 updated to get a Common Access Card (CAC).

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 21 Jun 96, 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 an erroneous enlistment. The specific reason for the action was due to the 19 Jun 96 Medical Evaluation Board's (MEB) decision finding the applicant did not meet the minimum medical standards to join the military because his left shoulder subluxation, which interfered with training, existed prior to service (EPTS). On this same date, the discharge authority directed the applicant be discharged with an ELS and an "Uncharacterized" service characterization.

On 26 Jun 96, the applicant received an "Uncharacterized" ELS. His narrative reason for separation is "Failed Medical/Physical Procurement Standards" and he was credited 21 days of total active service.

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

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Controlled by: SAF/MRB
CUI Categories: Work-Product
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

APPLICABLE AUTHORITY/GUIDANCE

AFI 36-3208, *Administrative Separation of Airmen*, 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.

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

The AFBCMR Medical Advisor recommends denying the application finding insufficient evidence to support the applicant's request to change discharge documents. The applicant's own details of his past and recurrent shoulder pain being present prior to basic training only lent a significant amount of probative value of his EPTS condition. The overall separation process was in accordance with regulatory guidance. It appeared the applicant was not a victim of an error or injustice in his discharge processing. The burden of proof is placed on the applicant to submit evidence to support his request. The evidence he did submit was assessed to not support his request for any change in his separation documents.

The applicant's total service time was well under 180 days and therefore, the type of separation is correctly listed as ELS. This type of discharge does not attempt to characterize service as good or bad, but simply denotes the service member's short time in uniform. This brief time constraint reflects an inadequate period to appropriately and fairly judge an individual's work characteristics because in the first few months of service, a new enlistee's duties revolve around training; both Basic Military Training (BMT) and technical school, prior to performing their specialized work. In this case, the applicant with 21 days of active-duty service was well below the 180-day benchmark and thus an uncharacterized/ELS was appropriate. The applicant is advised the current designation of "Failed Medical Procure Standards" on his DD Form 214, does not imply he knowingly or fraudulently entered military service. The applicant's own verbally provided history of the recurrency of left shoulder pain in and of itself revealed the chronicity of his pain prior to

service entry. Service aggravation of this pre-existing condition was not applicable. A shoulder subluxation is a painful musculoskeletal condition that can develop because of a fall, prior injury, repetitive motion, joint instability, weak muscles, and or weak ligaments. In this case, providers rapidly identified the poor prior conditioning state of the applicant upon entering basic training. Since the Military Department is not equipped to retain individuals during any lengthy healing and rehabilitation process (especially for orthopedic or musculoskeletal conditions), they are more commonly released from military service; some with the opportunity to reapply following a full and unhindered recovery. Such conditions commonly result in discharge due to “Failed Medical/Procurement Standards” or as “Erroneous Medical Entry.”

A service member may be administratively discharged, even though related to a medical condition, when in the case of a service member it has been determined a disqualifying medical condition EPTS and has not been permanently aggravated by military service. The applicant was seen for shoulder pain only four days into basic training and the consideration of the condition being permanently aggravated above the natural (long-term) progression of this condition is not a medically plausible conclusion. Although not found upon enlistment, the applicant would not/did not meet minimum standards for enlistment. The Medical Advisor has not seen evidence to refute the decision to administratively separate the applicant in 1996.

The complete advisory opinion is at Exhibit D.

APPLICANT’S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 1 Oct 24 for comment (Exhibit E) but has received no response.

The applicant’s complete response is at Exhibit E.

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 the AFBCMR Medical Advisor and finds a preponderance of the evidence does not substantiate the applicant’s contentions. The characterization of the applicant’s service was deemed uncharacterized as the applicant did not complete the entry level status of 180 days of active service as detailed in AFI 36-3208. No records were submitted by the applicant to justify changing his ELS to medical separation and there are no records confirming his left shoulder subluxation was permanently service-aggravated. The Board finds the MEB correctly diagnosed the applicant with a condition that EPTS due to his reporting of very little upper extremity training and mild, recurrent left shoulder pain due to exercise prior to entering BMT. Furthermore, service-connected disabilities rated by the DVA have no bearing on the type of discharge or service characterization annotated on the DD Form 214. Therefore, the Board recommends against correcting the applicant’s records.

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)*. The Board does not find it in the interest of justice to waive the three-year filing requirement and finds the application untimely.

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-2023-03141 in Executive Session on 20 Nov 24:

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Panel Chair
, Panel Member
Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 9 Sep 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Letter to Applicant (FTE-Name Change), SAF/MRBC, dated 29 May 24.
- Exhibit D: Advisory Opinion, AFBCMR Medical Advisor, dated 30 Sep 24.
- Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 1 Oct 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.

12/5/2024

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Board Operations Manager, AFBCMR
Signed by: USAF