

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-03965

XXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be amended to reflect an honorable discharge vice an uncharacterized Entry Level Separation (ELS).

APPLICANT'S CONTENTIONS

The tenure requirement of 180 days was denied because he was not given the opportunity to go into a different field so his knee could be appropriately evaluated. Furthermore, the injury to the applicant's knee was the result of service as no prior injury occurred to the knee. The injury occurred in basic training. The applicant was successful in completing [training] as scheduled. He was originally under Radiology Technician training but was unsuccessful. The applicant was denied a sensible transition to another field that would allow healing of the injury which could have furthered his military career. The 23 Mar 98 summary is inaccurate in the account of this being a prior injury.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 19 Nov 97, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant entered the Regular Air Force.

On 27 Mar 98, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of Air Force Instruction (AFI) 36-3208, *Administrative Separation of Airmen*. The specific reason for the action was:

- The Medical Evaluation Report, dated 23 Mar 98, indicates [the applicant] has been diagnosed with Patellofemoral Syndrome. [The applicant] did not report this information on his 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 31 Mar 98, the discharge authority directed the applicant be discharged under the provisions of AFI 36-3208, paragraph 5.14, *Erroneous Enlistment*, with an ELS.

On 9 Apr 98, the applicant received an ELS. His narrative reason for separation is "Failed Medical/Physical Procurement Standards" and he was credited with 4 months and 21 days of total active service.

On 16 Aug 17, according to a civilian medical provider Patient Care Summary, provided by the applicant, he was assessed for Patellofemoral Syndrome of the right knee [Chondromalacia

Patella]. The civilian medical provider opined the situation developed during the applicant's basic training for the Air Force.

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

APPLICABLE AUTHORITY/GUIDANCE

AFI 36-3208, dated 14 Oct 94, Chapter 1 – *General Procedures*:

1.19. Separation Without Service Characterization:

1.19.1. *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:

1.19.1.1. 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

1.19.1.2. 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. The separation authority will forward a recommendation for an honorable characterization to HQ AFMPC/DPMARS2, 550 C Street West, Ste 11, Randolph AFB TX 78150-4713, for review and further processing. Use this characterization if the reason for separation is:

- A change in military status according to chapter 2; or
- For the convenience of the government according to chapter 3; or
- For disability according to AFI 36-2902 (formerly AFR 35-4); or
- Directed by the Secretary of the Air Force according to paragraph 1.2.

AIR FORCE EVALUATION

AFPC/DP2SSR recommends denying the application. Based on review of the applicant's request, there is no error or injustice with the discharge processing.

Airmen are in entry level status during the first 180 days of continuous active military service. The Department of Defense 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 6 May 24 for comment (Exhibit D) and the applicant replied. In his response, the applicant contended he was advised to submit an application to the Air Force Board for Correction of Military Records (AFBCMR) after years of attempting to get some level of support and guidance on how his enlistment ended and how he was not completely supported in the process concerning the medical separation.

The primary issue was when the applicant's knee became a problem in basic training. It was an injury, and nothing related to what would have been called growing pains as he was hitting growth spurts. The applicant learned the condition during growth spurts is called Osgood-Schlatter disease which speaks to what he experienced between 12-13 years old. He never had a knee injury and what he experienced in basic training was due to the training. Then there was no adequate time to properly heal. On a physical waiver, the applicant was still having to do certain

things and the lack of medical assistance regarding x-rays, magnetic resonance imaging, etc. could have diagnosed the true condition of the knee. The applicant completed basic training on time considering all of this. His medical record and training record would reflect this and the numerous requests to be reassigned to a duty station that would have afforded healing and proper diagnosis, and a potentially long military career. He was denied the opportunity to change his assignment three times.

The situation ultimately had the applicant questioning his status as a veteran. He did not complete the 180 days of service, but his care as an enlisted [member] was not a priority. The applicant's goal is to have an honorable discharge. He could say he wants compensation in the means to Department of Veterans Affairs benefits, but that would be a stretch concerning the need to submit this letter.

The applicant's complete response is at Exhibit E.

AIR FORCE EVALUATION

The BCMR Medical Advisor recommends denying the application. This Medical Advisor finds insufficient evidence to support the applicant's request to change discharge documents. The applicant's own details of his past symptomatic knee pain 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 is requesting a change in both his character of service as well as the narrative reasoning as listed on his DD Form 214. It remains paramount to note the applicant's total service time was well under 180 days; therefore, in accordance with AFI 36-3208 Chapter 1, paragraph 1.19, subparagraph 1.19.1, the type of separation is correctly listed as ELS. An ELS, otherwise known as an uncharacterized discharge, is given to individuals who separate prior to completing 180 days of military service, or when discharge action was initiated prior to 180 days of service. 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 and technical school, prior to performing their specialized work. In this case, the applicant with 142 days of service remained below the 180-day benchmark and thus an uncharacterized/ELS was appropriate.

The applicant is advised the current designation of Failed Medical Procurement Standards, on his DD Form 214, does not imply he knowingly or fraudulently entered military service. The applicant's own verbally provided history of knee pain in 1996, as well as a prior five-year history of the same, in and of itself revealed the chronicity of his pain prior to service entry. Service aggravation above its known natural progression of this pre-existing condition was not applicable.

Despite the applicant stating the 23 Mar 98 summary was incorrect with regards to a prior injury, the evidence of experiencing an injury (which was never described) while in basic training was lacking in any sort of details within the case file. The sole civilian orthopedic treatment record, which did not document any type of physical examination, noted the following under assessment and plan:

“We believe the patient is still dealing with patellofemoral syndrome on the right chondromalacia patella. We believe at this situation to a reasonable degree of medical certainty developed during his basic training for the Air Force. We think he treats it appropriately with a brace and anti-inflammatory medicine and of necessity it limits his activities because of the problem. We don't see any immediate injections or surgery in the future.”

This Medical Advisor finds it extremely weak for a provider, without any in-depth physical examination, to state a belief a condition of Patellofemoral Syndrome developed during basic training 20 years earlier. Given the condition which usually resolves in weeks to months, a belief or an opinion 20 years after the fact can only equate to complete speculation at best. As with the applicant's lack of evidence to show an injury occurred while in basic training, so is the lack of evidence to state such a belief 20 years after the fact. 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 an 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. Although not found upon enlistment, the applicant would not/did not meet minimum standards for enlistment. This Medical Advisor has not seen evidence to refute the decision to administratively separate the applicant in 1998.

The complete advisory opinion is at Exhibit F.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 4 Nov 24 for comment (Exhibit G) but has received no response.

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, to include the applicant's rebuttal, the Board concludes the applicant is not the victim of an error or injustice. The Board concurs with the rationales and recommendations of AFPC/DP2SSR and the BCMR Medical Advisor and finds a preponderance of the evidence does not substantiate the applicant's contentions. The applicant was diagnosed with Patellofemoral Syndrome, a disqualifying medical condition, which was identified as EPTS, justifying his ELS from the Air Force for Erroneous Enlistment. The applicant presented insufficient evidence to refute the decision to separate the applicant; the civilian provider Patient Care Summary, dated 16 Aug 17, was not compelling. Further, the characterization of the applicant's service was in accordance with AFI 36-3208. 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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2023-03965 in Executive Session on 18 Dec 24:

, 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 22 Nov 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 6 May 24.
Exhibit E: Applicant's Response, Undated.
Exhibit F: Advisory Opinion, BCMR Medical Advisor, dated 31 Oct 24.
Exhibit G: Notification of Advisory, SAF/MRBC to Applicant, dated 4 Nov 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