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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00283

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His "Uncharacterized" Entry Level Separation (ELS) be changed to honorable or general (under honorable conditions).

APPLICANT'S CONTENTIONS

He was unable to serve due to medical reasons he was unaware of before joining the military. His discharge was due to not meeting medical/physical procurement standards even though he met the standards when he enlisted. When he was notified of the discharge action, he was told it would be honorable for medical reasons.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 28 Jul 97, 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 applicant's neck and back pain which was found to have existed prior to service (EPTS) due to a motor vehicle accident which is annotated in the narrative summary occurring in 1993 (cervical spine fracture); however, the applicant's medical history did not indicate any previous medical issues, and no injury while in military training was found.

On 1 Aug 97, the discharge authority directed the applicant be given an ELS with an uncharacterized service characterization. On this same date, the applicant received an "Uncharacterized" ELS. His narrative reason for separation is "Failed Medical/Physical Procurement Standards" and he was credited with 24 days of total active service.

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

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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.

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.

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

FPC/DP2SSR recommends denying the application finding 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 (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 3 May 24 for comment (Exhibit D) but has received no response.

ADDITIONAL AIR FORCE EVALUATION

The AFBCMR Medical Advisor recommends denying the application finding insufficient evidence to support the applicant's request to change his discharge documents. The applicant's discovered details of his past and continued neck pain being present prior to basic training only lent a significant amount of probative value of his EPTS condition. The continued neck pain was clearly a disqualifying physical condition that did not meet Air Force medical standards set forth in AFI 48-123, *Medical Examinations and Standards*, paragraphs 13, 14, and 15. The overall separation process was in accordance with regulatory guidance, and 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 had a long-term history of neck pain because of the motor vehicle accident in 1993. His narrative summary diagnosis was listed as neck and back pain, secondary to old cervical fracture, existed prior to entry into service and there was no history of any direct trauma while in Basic Military Training (BMT). Therefore, the applicant did not qualify for processing through the Disability Evaluation System (DES). Separation of members, who within the first 180 days of service, demonstrate the inability to complete BMT are released as an ELS with an "uncharacterized" characterization of service unless warranting a referral through the DES for completion of a Medical Evaluation Board (MEB) and subsequent fitness and rating determination by a Physical Evaluation Board (PEB), or other basis for discharge. This is a discharge that does not attempt to characterize the type of service as either good or bad, but simply denotes the service member's short time in uniform. This brief time constraint reflects an inadequate period to judge an individual's work characteristics appropriately and fairly because in the first few months of service, a new enlistee's duties revolve around training; both BMT and technical school, prior to performing their specialized work.

The complete advisory opinion is at Exhibit E.

APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 3 Jan 25 for comment (Exhibit F) 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 the AFBCMR Medical Advisor 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 24 days of active service; therefore, the type of separation and character of

service are correct as indicated on his DD Form 214. Furthermore, The Board finds the applicant was properly processed for separation from a medical standpoint. The applicant, due to his medical condition, failed to meet procurement standards; his neck pain was found to have EPTS, relating to a motor vehicle accident and no service aggravation was found. Therefore, his character and type of service separation are correct, and 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-2024-00283 in Executive Session on 19 Feb 25:

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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/atch, dated 19 Jan 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2SSR, sent 3 May 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 3 May 24.
- Exhibit E: Advisory Opinion, AFBCMR Medical Advisor, dated 2 Jan 25.
- Exhibit F: Notification of Advisory, SAF/MRBC to Applicant, dated 3 Jan 25.

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.

2/25/2025

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Board Operations Manager, AFBCMR
Signed by: USAF

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