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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-02626

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COUNSEL: Work-Product

HEARING REQUESTED: YES

### APPLICANT'S REQUEST

His "Uncharacterized" Entry Level Separation (ELS) be upgraded to under honorable conditions.

### APPLICANT'S CONTENTIONS

At the time of separation, he did nothing wrong or dishonorable and was released because of a medical issue. He tried to serve during wartime (30 days in basic training), which would entitle him to a discharge of under honorable conditions.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

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

On 12 Nov 09, 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*, paragraph 5.14 for erroneous enlistment. The specific reason for this action was a medical narrative summary dated 9 Nov 09, which indicated he did not meet minimum medical standards to enlist and should not have been allowed to join the Air Force because he has pes planus-symptomatic.

On 13 Nov 09 the Assistant Staff Judge Advocate found the discharge action legally sufficient.

On 15 Nov 09, the discharge authority directed the applicant be discharged for erroneous enlistment, with an ELS.

On 16 Nov 09, the applicant received an ELS. His narrative reason for separation is "Failed Medical/Physical Procurement Standards" and he was credited with 1 month and 11 days of total active service.

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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, describes the authorized service characterizations applicable at the time of the applicant's separation.

**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 (SAF) 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.

**Honorable.** The quality of the airman's service generally has met Department of the 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.

## AIR FORCE EVALUATION

AFPC/DP2SSR recommends denying the application, finding no error or injustice with the discharge process. 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 16 Dec 24 for comment (Exhibit D), and the applicant replied on 5 May 25. In his response, the applicant contends the Department of Veterans Affairs (DVA) has granted him a service connected disability, affirming his condition was incurred or aggravated by military service. This condition directly contributed to his early separation, which is compelling justification for a recharacterization of his service. Furthermore, his conduct during training was without incident and he made every effort to serve honorably.

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 AFPC/DP2SSR and finds a preponderance of the evidence does not substantiate the applicant's contentions. Airmen are given uncharacterized ELS when they fail to complete a minimum of 180 days of continuous active military service and the applicant served 1 month and 11 days of active service, therefore, the type of separation and character of service are correct as indicated on his DD Form 214. The Secretary of the Air Force (SAF) can determine honorable service is warranted if unusual circumstances of personal conduct and performance of military duty is present; however, the Board finds no evidence to suggest such. Additionally, the Board noted the applicant's response to the advisory, claiming his service connected disability was in direct relation to his discharge. However, receiving service connection from the DVA does not indicate causation or mitigation of his discharge, but merely suggests the condition(s) were somehow related to his military service. The DVA under Title 38, U.S.C., is empowered to offer compensation for any mental health or medical condition with an established nexus with military service, without regard to its impact upon a member's fitness to serve, the narrative reason for release from service, or the length of time transpired since the date of discharge. The burden of proof is placed on the applicant to submit evidence to support his claim. Therefore, the Board finds the application untimely and 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.
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

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The following quorum of the Board, as defined in DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2024-02626 in Executive Session on 8 Apr 25 and on 30 May 25:

Work-Product, Panel Chair  
Work-Product, Panel Member  
Work-Product, Panel Member  
Work-Product, Panel Chair  
Work-Product, Panel Member  
Work-Product, Panel Member

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

- Exhibit A: Application, DD Form 149, dated 24 Jul 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2SSR, dated 16 Dec 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 16 Dec 24.
- Exhibit E: Applicant's Response, 5 May 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.

6/6/2025

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Board Operations Manager, AFBCMR  
Signed by: USAF

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