



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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-02884

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His "Uncharacterized" Entry Level Separation (ELS) be changed to honorable.

APPLICANT'S CONTENTIONS

This correction is necessary because the uncharacterized discharge on his DD Form 214, *Certificate of Release or Discharge from Active Duty*, from 14 Nov 01 is preventing him from receiving federal retirement credit for his military service under the federal retirement systems (FERS). As a federal employee at the United States patent and trademark office (USPTO), he has been denied credit for this period of military service due to the uncharacterized nature of the discharge. According to office of personnel management (OPM) regulations and the merit systems protection board (MSPB) ruling in *Sears v. OPM*, only honorable active-duty service qualifies for retirement credit under FERS. However, he successfully completed officer training school (OTS) and was commissioned as an officer during this period. Therefore, he is seeking to have the period accurately characterized as honorable to reflect the true nature of his service and ensure his eligibility for retirement benefits.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force lieutenant (O-1).

On 14 Nov 01, the DD Form 214 indicates the applicant received an ELS. His narrative reason for separation is "Commissioned or Warrant in same Branch of Service" and he was credited with 2 months and 28 days of total active service.

On 4 Nov 02, the DD Form 214 indicates the applicant received an honorable discharge. His narrative reason for separation is "Disability, Severance Pay" and he was credited with 11 months and 20 days of total active service.

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[REDACTED]

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

APPLICABLE AUTHORITY/GUIDANCE

DoDI 1332.14, *Enlisted Administrative Separations*, incorporating changes through 23 Jun 22 reads as follows:

Enclosure 3, section 2 – *Selected Changes in Service Obligation*

Paragraph a(3) states an enlisted Service member may be separated due to an acceptance of an active duty commission or appointment, or acceptance into a program leading to such commission or appointment in any branch of Military Service.

Paragraph b(1) states the characterization or description is honorable, unless the separation is an entry-level separation and is required in accordance with section 3 of Enclosure 4.

Enclosure 4, section 3 – *Characterization of Service or Description of Separation*

Paragraph c(1)(a)2 states an uncharacterized separation will be described as an entry-level if separation is initiated while an enlisted Service member is in entry-level status, except when the Secretary concerned, on a case-by-case basis, determined that characterization of service as honorable is clearly warranted by the presence of unusual military duty. The characterization is authorized when the Service member is separated under Enclosure 3 by reason of selected changes in service obligation.

AFI 36-3208, *Administrative Separation of Airmen*, dated 10 Mar 00, describes the authorized service characterizations that were 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 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. This characterization is authorized if reason for separation is a change in military status according to chapter 2 which states the service of airmen separated for completion of officer training will be characterized as honorable.

[REDACTED]

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.

AIR FORCE EVALUATION

AFPC/DPMSSR recommends granting the application. For many years, OTS operated under their own internal policy with regards to characterizing the service of their graduates. Discussions with them have indicated their policy has shifted from time to time through the years, with some periods in the 1970s being characterized and some periods in the 1980s and 1990s listed as uncharacterized. OTS has been allowed to make the determination since they prepare DD Form 214s on all of their OTS students. Individuals attending OTS are there in an active-duty status and therefore, fall under active-duty personnel policy. AFPC has reviewed the current Department of the Air Force Instruction (DAFI) 36-3211, *Military Separations*, and former enlisted separations Air Force Instruction (AFI) 36-3208, and they both offer flexibility to give OTS graduates an honorable service characterization even though they are in entry level status.

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 31 Oct 24 for comment (Exhibit D) but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed but it is in the interest of justice to excuse the delay.
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 the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DPMSSR and finds a preponderance of the evidence substantiates the applicant's contentions. Specifically, the Board notes service members attending OTS have no break in service between their enlisted time at OTS and their commission date on active duty; therefore, their time spent at OTS qualifies as a change in service obligation and is characterized as honorable service. Therefore, the Board recommends correcting the applicant's records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show on 14 Nov 01, he was discharged with service characterized as honorable.

[REDACTED]

CERTIFICATION

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-2024-02884 in Executive Session on 21 May 25:

[REDACTED], Panel Chair
[REDACTED], Panel Member
[REDACTED], Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 20 Aug 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSSR, dated 30 Oct 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 31 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.

6/9/2025

X [REDACTED]

[REDACTED]
Board Operations Manager, AFBCMR
Signed by: USAF