

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NO: 96-02327

COUNSEL: NONE

OCT 22 1997

HEARING DESIRED: NO

Applicant requests that his narrative reason for separation be changed. Applicant's submission is at Exhibit A.

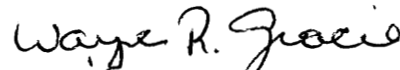
The appropriate Air Force offices evaluated applicant's request and provided advisory opinions to the Board recommending the application be denied (Exhibit C). The advisory opinions were forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinions appear to be based on the evidence of record and have not been rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Mr. Wayne R. Gracie, Mr. Michael P. Higgins, and Mr. Kenneth L. Reinertson considered this application on 30 September 1997 in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.



WAYNE R. GRACIE
Panel Chairman

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinions
- D. SAF/MIBR Ltr Forwarding Advisory Opinions

16 Apr 97
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MEMORANDUM FOR AFBCMR

FROM: BCMR Medical Consultant
1535 Command Drive, EE Wing, 3rd Floor
Andrews AFB MD 20762-7002

SUBJECT: Application for Correction of Military Records 

Applicant's entire case file has been reviewed and is forwarded with the following findings, conclusions and recommendations.

REQUESTED ACTION: The applicant received an entry level separation under the provisions of AFI 36-3208 (Fraudulent Entry) on 16 Jul 96 after 4 months, 11 days on active duty. He applies for record correction to reflect a different reason for his separation.

FACTS: The records indicate the applicant was found unfit and separated because of asthma which condition was not reported at time of his induction physical examination, but which later was brought out when he was seen for symptoms in the emergency room at Wilford Hall. Because of a history of childhood asthma which was not revealed at initial processing, and obviously a preexisting condition, his reason for separation was appropriate. Action and disposition in this case are proper and reflect compliance with Air Force directives which implement the law.

DISCUSSION: Separation for a preexisting condition not made known at initial processing makes this a fraudulent enlistment and medical board recommendations are valid. Administrative separation under these circumstances is appropriate as occurred and changing the reason for separation is not indicated. As a preexisting condition it is not compensable under rules of AFI 36-3212.

RECOMMENDATION: The Medical Consultant is of the opinion that no change in the records is warranted and the application should be denied.

|| SIGNED ||

FREDERICK W. HORNICK, Col., USAF, MC, FS
Chief, Medical Consultant, BCMR
Medical Advisor SAF Personnel Council



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DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS



MAY 14 1997

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPRP
550 C Street West Ste 11
Randolph AFB TX 78150-4713

SUBJECT: Application for Correction of Military Records - [REDACTED]

The applicant, while serving in the grade of airman, was separated from the Air Force 16 Jul 96 under the provisions of AFI 36-3208 (Entry Level Separation-Fraudulent Entry) with an uncharacterized discharge. He served 04 months and 11 days total active service.

Requested Action. The applicant is requesting a change in his DD Form 214 reason for separation to a different class.

Basis for Request. Applicant states that he believes that his discharge was in error or unjust because his medical condition was undetermined prior to his enlistment. The advisory provided by the SAFPC Medical Consultant dated 16 Apr 97 gives information concerning applicant's medical condition. This advisory addresses only the discharge processing in the case.

Facts. The applicant was notified by his commander on 24 Jun 96 that discharge action had been initiated against him for fraudulent entry into the Air Force. That if the discharge was approved, his discharge would be described as an entry level separation and that he would be ineligible for reenlistment in the Air Force. The commander indicated his reason(s) for taking the discharge action was because a Medical Evaluation Board that convened at Wilford Hall Medical Center, diagnosed him with having asthma, Class D. The board determined that the condition existed prior to service and had not been permanently aggravated by service. He was advised he had a right to consult counsel and the right to submit statements in his own behalf. Applicant did not submit statements and waived his right to military counsel. The discharge case was reviewed by the base legal office and was found to be legally sufficient to support separation. On 08 Jul 96, the discharge authority approved the Entry Level Separation. Airmen are given an uncharacterized service characterization when separation action is initiated against them in the first 180 days of continuous active service, and the separation is described as entry level separation.

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Discussion. This case has been reviewed for separation processing and there are no errors or irregularities causing an injustice to the applicant. The discharge complies with directives in effect at the time of his discharge. The records indicate member's military service was reviewed and appropriate action was taken.

Recommendation. Applicant did not identify any specific errors in the discharge processing nor provide facts which warrant a change in his reason for separation. The separation code JDA is correct for the narrative reason for separation. Accordingly, we recommend applicant's request be denied. He has filed a timely request.



A handwritten signature in black ink, appearing to read "John C. Wooten". The signature is written in a cursive style with a large, sweeping initial "J".

JOHN C. WOOTEN, GS-9
Military Personnel Mgmt Spec
Programs and Procedures Branch
Dir of Personnel Program Management



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