



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

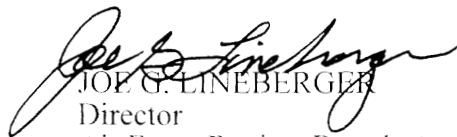
DEC 08 1998

Office of the Assistant Secretary
AFBCMR 98-00037

MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED] [REDACTED] be corrected to show that he was not separated from extended active duty on 23 October 1997 but was continued on active duty and was ordered permanent change of station (PCS) to his home of record (home of selection) pending further orders.


JOE G. LINEBERGER
Director
Air Force Review Boards Agency

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER:

DEC 08 1998
98-00037

COUNSEL: None

HEARING DESIRED: No

APPLICANT REQUESTS THAT:

He be reinstated into the Air Force and that the type of separation and narrative reason for separation be struck from his records.

APPLICANT CONTENDS THAT:

The Sickle Cell Trait (SCT) is not an illness nor are there any adverse affects under most circumstances. Therefore, his discharge for failing to meet medical/physical procurement standards is in error.

In support of his appeal, the applicant provided a statement from his parents, his DD Form 214 (Certificate of Release or Discharge From Active Duty), his notification memorandum, a memorandum to the Secretaries of the Military Departments regarding Sickle Cell policy, and a pamphlet on SCT.

Applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 16 Jul 97 for a period of four years in the grade of airman basic.

On 17 Jul 97, while in Basic Military Training (BMT), the applicant was diagnosed as having SCTs and advised of its potential complications under adverse situations. He had the opportunity to have a voluntary separation because of these traits but chose to remain on active duty and finish BMT.

On 8 Oct 97, the applicant was notified by the commander that he was recommending the applicant be discharged from the Air Force for erroneous enlistment. The reason for this action was that the unit received a medical narrative, dated 24 Sep 97, that found the applicant was identified as having SCTs and that he

should be given an entry level separation for pre-existing illness to joining the Air Force. The applicant acknowledged that military legal counsel was made available to him. He waived his option to consult counsel and waived his rights to submit statements in his behalf. A legal review found the case file legally sufficient to support separation.

On 20 Oct 97, the applicant chose to have a voluntary separation.

In an undated letter, the applicant indicated that he understood that his separation would be characterized as pre-existing medical conditions.

On 23 Oct 97, the applicant was separated from the Air Force in the grade of airman first class under the provisions of AFI 36-3208 (Failed Medical/Physical Procurement Standards) with an uncharacterized entry level separation. He was credited with 3 months and 7 days of active service.

AIR FORCE EVALUATION:

The Chief, Medical Consultant, SAF/PC, reviewed this application and indicated that, although no error or injustice occurred in this case, it seems unduly harsh to call this an erroneous enlistment, as having SCT is not a disqualifying defect for enlistment or continued military service and, therefore, should not be used to produce such a reason for discharge. The DD Form 214 is incorrect in Block 28 (Narrative Reason for Separation) as is Block 27 (Reentry Code). There is no medical standard listing SCT as disqualifying for enlistment in AFI 48-123. Under Attachment 2, Medical Standards for Continued Military Service, paragraph A2.8 (ii), it states: "Sickle cell disease and heterozygous (i.e., single vs. double-gene status) sickling disorders other than sickle cell trait are disqualifying." Attachment 3, which addresses enlistment standards does not even mention SCT, stating in paragraph A3.15(1) only that "Anemia: Any hereditary or acquired anemia that cannot be permanently corrected with therapy before appointment or induction" is disqualifying. While full-blown sickle cell disease is associated with anemia, the trait (i.e., single-gene carrier) is not, and therefore not disqualifying for induction. The Medical Consultant is of the opinion that the narrative reason for separation should be changed to: Secretarial Authority and the reenlistment eligibility (RE) code correspondingly changed to "3K" (Reserved for use by HQ AFPC or the Air Force Board for Correction of Military Records (AFBCMR) when no other RE code applies or is appropriate). The original uncharacterized nature of service must, of necessity, remain, as his voluntary separation within 180 days of induction, by law, precludes any other status. The applicant should be given the opportunity to reenlist should he so desire if he is otherwise qualified for enlistment. Since having the SCT is not disqualifying for

induction, there appears to be no need for a waiver of this condition should the applicant wish to reenter the military.

A complete copy of the Air Force evaluation is attached at Exhibit C.

The Military Personnel Management Specialist, AFPC/DPPRS, also reviewed this application and indicated that they concur with SAF/PC's recommendation that applicant did not fail medical/physical procurement standards and his DD Form 214 requires correction. However, they do not concur that his narrative reason for separation should be changed to "Secretarial Authority" since his separation was a voluntary miscellaneous separation and the narrative reason should read "Miscellaneous." Therefore, they recommend the Board direct applicant's DD Form 214 be corrected to show that he was not discharged on 23 Oct 97 but he was transferred to the Air Force Reserve since he has a military service obligation (MSO); his separation code be changed to "MND" (Miscellaneous/General Reasons (Release)) and his RE code be changed to "3K" which would make him eligible to reenlist if he is otherwise qualified; and, his reason for separation be corrected to read "Miscellaneous." DPPRS further recommends his request to be reinstated to active duty be denied since he voluntarily requested miscellaneous separation from the Air Force for his SCT. His type of separation should remain entry level since he did not complete 180 days of continuous active duty.

A complete copy of their evaluation, with attachment, is attached at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Applicant's parents responded to the Air Force evaluations and provided an undated letter signed by the applicant regarding SCTs (see Exhibit F).

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After thoroughly reviewing the circumstances of this case and noting the statement by the BCMR Consultant, indicating that having SCT is not a disqualifying defect for enlistment or continued military service, we are convinced that the applicant did not fail medical/physical procurement standards and should not have

been discharged. The recommendations from the Air Force are duly noted; however, in view of the fact that applicant is not medically disqualified from enlistment and his apparent strong desire to serve on active duty, we believe he should be allowed to do so. Therefore, we believe that in order to offset any possibility of an injustice, he should be reinstated to active duty. In view of the above and in the absence of evidence to the contrary, we recommend applicant's records be corrected to the extent indicated below.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that he was not separated from extended active duty on 23 Oct 97 but was continued on active duty and was ordered permanent change of station (PCS) to his home of record (home of selection) pending further orders.

The following members of the Board considered this application in Executive Session on 22 October 1998, under the provisions of AFI 36-2603:

Ms. Martha Maust, Panel Chair
 Mr. Kenneth L. Reinertson, Member
 Mr. William E. Edwards, Member
 Mrs. Joyce Earley, Examiner (without vote)

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 22 Dec 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, SAF/PC, dated 5 Mar 98.
- Exhibit D. Letter, AFPC/DPPRS, dated 19 May 98, w/atch.
- Exhibit E. Letter, AFBCMR, dated 30 Mar 98.
- Exhibit F. Letter fr applicant, dated 24 Apr 98, w/atch.

Martha Maust
 MARTHA MAUST
 Panel Chair