

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

FEB 25 1999

IN THE MATTER OF:

DOCKET NUMBER: 98-01²⁹⁷

COUNSEL: NONE

HEARING DESIRED: NO

Applicant requests that his uncharacterized discharge be changed to a general discharge. 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. Henry C. Saunders, Ms. Ann L. Heidig, and Ms. Sophie A. Clark considered this application on 10 Dec 98 in accordance with the provisions of Air Force Instruction 36-2603 and the governing statute, 10 U.S.C. 1552.

~~HENRY C. SAUNDERS~~
Panel Chair

Exhibits:

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

8 July 1998
98-01297

MEMORANDUM FOR AFBCMR

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

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 on 20 April 1998 after 20 days in basic training for a condition of chronic abdominal pain which existed prior to service. He applies requesting a general (sic) discharge because he states he is unable to collect unemployment benefits with his uncharacterized period of service.


FACTS: The records indicate the applicant was seen the very first day of BMT with abdominal pain which, when investigated, turned out to be something he had had for at least two years prior to entering the Air Force. His enlistment medical history stated "Yes" to the question of ever having abdominal problems, but was interpreted to relate to his history of an appendectomy in childhood. This condition was found to be clearly disqualifying for enlistment IAW AFI 48-123, paragraph 7.2, and he was administratively separated. There is no evidence of error or irregularity in the processing of his case which was properly evaluated. Action and disposition in this case are proper and reflect compliance with Air Force directives which implement the law.

DISCUSSION: Individuals are considered in an entry level status for the first 6 months of service and any separation which occurs during this period of time will receive an "uncharacterized entry level separation." This is precisely what happened in the applicant's case. There is no doubt his condition preexisted his entry on active duty and was, therefore, disqualifying for entry into the Air Force. No other characterization of service is possible under law for service members separated within the first 6 months of entry.

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



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



9801297



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

AUG 18 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPRS
550 C Street West, Suite 11
Randolph AFB TX 78150-4713

SUBJECT: Application for Correction of Military Records [REDACTED]

The applicant, while serving in the grade of airman basic, was separated from the Air Force on 20 Apr 98 under the provisions of AFI 36-3208 (Entry Level Separation-Failed Medical/Physical Procurement Standards) with an uncharacterized discharge. He served 20 days active service.

Requested Action. The applicant is requesting his uncharacterized discharge be changed to general discharge. He states the uncharacterized discharge makes him ineligible for unemployment. This advisory will address only the discharge processing in the case.

Conclusion and Recommendation. Denial. Airmen are given entry level separation/uncharacterized service characterization when separation action is initiated in the first 180 days of continuous active service. Applicant served only 20 days and therefore, the uncharacterized discharge is correct and in accordance with Department of Defense and Air Force directives. He has filed a timely request.



JOHN C. WOOTEN, DAF
Mil Personnel ~~Mgt~~ Spcl
Separations Branch
Dir of Personnel Program Mgt

9801297



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON, DC

25 AUG 1998

MEMORANDUM FOR SAF/BCMR

FROM: HQ AF/DPRCL
1040 Air Force Pentagon
Washington, DC 20330-1040

SUBJECT: **Application** for Correction of Military Record [REDACTED]

The attached file is forwarded to you for final action. Our office has primary responsibility for establishing Air Force policy on unemployment compensation for ex-servicemembers (UCX). We interpret the law and determine which separation narratives fall within the statutory eligibility criteria.

Title 5, United States Code, is the legal basis for Air Force policy. It establishes basic UCX eligibility by providing conditions of separation that would qualify for unemployment compensation. Members who separate without completing their first full term must have separated for convenience of the government under an early release program; hardship; medical disqualification, service incurred injury/disability, parenthood or pregnancy; or inaptitude or personality disorder. The Air Force determines which separation narratives would qualify for UCX under these criterion. [REDACTED] separation narrative is not among those that qualify for unemployment benefits.

[REDACTED] separation narrative, as validated by AFPC was "Failed Medical/Physical Procurement Standards." As such, the separation narrative is not among those making an ex-servicemember eligible for UCX. We do not have authority to recommend approval or disapproval of a request to change a narrative reason for separation. If the board elects to change the member's separation reason and questions arise concerning the UCX eligibility of the proposed new separation narrative, we will advise the board on the UCX status of the proposed narrative.

EUGENE J. McGRATH, Major, USAF
Chief, Special & Incentive Pay Policy
Directorate of Personnel Resources Division
695-0060

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