RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2009-01012

INDEX CODE: 108.00

COUNSEL: NONE

HEARING DESIRED: NO

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APPLICANT REQUESTS THAT:

His uncharacterized entry level separation be changed to an honorable or a medical discharge.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APPLICANT CONTENDS THAT:

He does not understand the reason for his uncharacterized entry level separation.

In support of his request, the applicant provides a statement from his grandfather and a copy of his DD Form 214, *Certificate of Release or Discharge From Active Duty.*

The applicant’s complete submission, with attachments, is at Exhibit A.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

STATEMENT OF FACTS:

Applicant enlisted in the Regular Air Force as an airman first class (E-3) on 28 Oct 08 for a period of four years.

On 17 Feb 09, the applicant was notified by his commander of his intent to recommend his involuntary discharge from the Air Force for a condition that interferes with military service, specifically mental disorders, in accordance with AFI 36-3208, *Administrative Separation of Airmen*. The basis for the action was the Department of Mental Health, Wilford Hall Medical Center, diagnosis of a mental disorder severe enough to impair the applicant’s ability to function in the military.

On 18 Feb 09, the case was found legally sufficient and the commander approved the action as proposed on 19 Feb 09. On 20 Feb 09, the applicant was given an entry level separation with uncharacterized service by reason of an adjustment disorder. He was credited with 3 months and 23 days of active service.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

AIR FORCE EVALUATION:

The BCMR Medical Consultant recommends denial indicating the Air Force acted within its authority to separate the applicant under the provisions of AFI 36-3208. The applicant’s adjustment disorder is considered an unsuiting and non-compensable medical disorder, not a disability; and, thus, would not qualify for processing through the Disability Evaluation System. The applicant has not met the burden of proof of an error or injustice warranting corrective action.

A complete copy of the Medical Consultant’s evaluation is at Exhibit C.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

In his response, the applicant indicates the BCMR Medical Consultant’s evaluation is evidence supporting his request for a medical discharge. The Medical Consultant notes that his adjustment disorder was so severe that his ability to function effectively in the military environment was significantly impaired. Based on this documentation, he believes his request for a change to a medical discharge is warranted.

Applicant’s complete response, with attachment, is at Exhibit E.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

THE BOARD CONCLUDES THAT:

1.  The applicant has exhausted all remedies provided by existing law or regulations.

2.  The application was timely filed.

3.  Insufficient relevant evidence has been presented to demonstrate the existence of an error or injustice. The applicant's complete submission was thoroughly reviewed and his contentions were duly noted. However, we do not find the documentation presented in support of his appeal sufficiently persuasive to override the rationale provided by the AFBCMR Medical Consultant. The evidence of record reflects the applicant was given an entry level separation for an adjustment disorder, which is an unsuiting and non-compensable medical disorder. Since he had served less than six months at the time of his separation, his service was uncharacterized. No evidence has been presented which convinces us the applicant’s entry level separation was improper or contrary to the prevailing instruction. Therefore, in the absence of sufficient evidence the information used as a basis for his entry level separation was erroneous, or that at the time of his separation, the applicant was unfit, rather than unsuited, to perform the duties of his rank and office within the meaning of the law, we agree with the recommendation of the Medical Consultant and adopt his rationale as the basis for our decision the applicant has failed to sustain his burden of establishing that he has suffered either an error or an injustice. Accordingly, we find no compelling basis to recommend granting the relief sought in this application.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The following members of the Board considered AFBCMR Docket Number BC-2009-01012 in Executive Session on 1 Sep 09, under the provisions of AFI 36-2603:

Mr. Robert H. Altman, Panel Chair

Ms. Glenda H. Scheiner, Member

Mr. Joseph D. Yount, Member

The following documentary evidence was considered:

Exhibit A.  DD Form 149, dated 1 Jan 09, w/atchs.

Exhibit B.  Applicant's Master Personnel Records.

Exhibit C.  Letter, BCMR Medical Consultant, dated

24 Jun 09.

Exhibit D.  Letter, Applicant, dated 10 Jul 09, w/atchs.

ROBERT H. ALTMAN

Panel Chair