

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00232

COUNSEL: VA

HEARING DESIRED: YES

APPLICANT REQUESTS THAT:

Her records be corrected to reflect an honorable characterization of service instead of uncharacterized.

APPLICANT CONTENDS THAT:

She entered the Air Force right out of High School and did not know the difference between an uncharacterized discharge and an honorable discharge. Had she not injured herself while at Basic Military Training School (BMTS), she would have went-on to successfully complete the terms of her enlistment and would have been granted an honorable discharge.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

The applicant entered the Air Force on 4 Oct 90.

On 4 Feb 91, her commander notified her he was recommending her discharge from the Air Force for Erroneous Enlistment. The reason for the action was that a Medical Evaluation Board (MEB), which met on 29 Jan 91, found that she did not meet the minimum medical standards to join the Air Force; specifically because of her bilateral patella femoral syndrome. She acknowledged receipt of the action the same day and waived her rights to consult legal counsel or submit statements on her own behalf.

On 5 Feb 91, the discharge authority concurred with the commander's recommendation and directed the applicant be discharged with an Entry-Level Separation.

On 6 Feb 91, the applicant was furnished an entry-level separation with uncharacterized service and credited with four months and three days of total active service.

Airmen are given Entry-Level separation with uncharacterized service when separation is initiated in the first 180 days of

continuous active service. The Department of Defense (DoD) determined it would be unfair to the member and the service to characterize a member's limited service when separation is initiated within the first 180 days of active service.

THE BOARD CONCLUDES THAT:

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

2. The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.

3. Insufficient relevant evidence has been presented to demonstrate the existence of an error or injustice. We took notice of the applicant's complete submission in judging the merits of the case; however, we find no evidence of an error or injustice that occurred during the discharge process. Based on the available evidence of record, it appears the applicant's entry-level separation with uncharacterized service for failure to meet physical standards for enlistment was consistent with the substantive requirements of the governing instructions and within the commander's discretionary authority. Other than her own assertions, she has provided no evidence whatsoever which would lead us to believe her entry-level separation with uncharacterized service was improper or contrary to the provisions of the governing directive. Therefore, absent evidence the applicant was not afforded rights to which she was entitled, there was an abuse of discretionary authority, or appropriate standards were not applied, we find no basis to recommend granting the requested relief.

4. The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issue(s) involved. Therefore, the request for a hearing is not favorably considered.

THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of material error or injustice; the application was denied without a personal appearance; and 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-2012-00232 in Executive Session on 28 Aug 12, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 19 Jan 12.
- Exhibit B. Applicant's Master Personnel Records.

Panel Chair