

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00320
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His DD Form 214, *Report of Separation from the Armed Forces of the United States*, item 38, *Authentication* be corrected to remove the statement "Disability existing prior to entry on active military service."

APPLICANT CONTENDS THAT:

1. He had no hearing loss prior to entering military service and was issued a private pilot's license which reflected no hearing impairment.
2. He lost his hearing after receiving a concussion of the skull. A lieutenant colonel told him to sign discharge papers or risk the possibility of not being honorably discharged.

In support of his request, the applicant provides copies of his DD Form 214; Form ACA 1005, *Medical Certificate, Student and Private Pilot*; and Form ACA 355, *Application for Airman Certificate*.

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

STATEMENT OF FACTS:

According to the available medical records, on 4 Jan 51, during his enlistment physical, he told examiners that he has had bilateral defective hearing and poor vision since 1941.

On 23 Feb 51, he arrived at Hamilton Air Force Base and asked to be released from the military since he was not qualified due to the above difficulties.

Since his hearing loss was below minimal standards and existed prior to time of service, he was recommended for discharge.

AIR FORCE EVALUATION:

AFPC/DPSOS recommends denial. DPSOS states the applicant's history reveals he was treated at the Trinity Clinic at Minot, North Dakota, and at St. Joseph's Clinic for his hearing loss in the left ear.

There is insufficient evidence contained within the applicant's military record to confirm the circumstances and facts surrounding his discharge. However, absent the documentation, there is a presumption of regularity in which the applicant was afforded due process and the discharge was consistent with procedural and substantive requirements of the discharge regulation.

The applicant has not filed a timely petition; it has been more than 40 years since the applicant's discharge from the Air Force. The applicant cites he was told to sign discharge documents or he would not be given an honorable discharge, but did not justify why the alleged error or injustice was not addressed within three years from date of discovery.

The complete DPSOS evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

By letter dated 15 May 12, the applicant reiterates his contentions that his hearing loss did not exist prior to entering military service. He states he was not treated at the hospital and clinics noted in the Air Force evaluation and requests documentation showing a hearing loss existed prior to being accepted in the military.

The applicant's complete submission 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 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 error or injustice. We took notice of the applicant's complete submission in judging the merits in this case; however, we agree with the opinion and recommendation of the Air Force office of primary responsibility (OPR) and adopt its rationale as the basis for our conclusion the

applicant has not been the victim of an error or injustice. We note the applicant disagrees with some of the information referenced in his case and requests documentation be provided to him; however, this Board is not the custodian for his master personnel records. We recommend he contact the National Personnel Records Center (NPRC), 9700 Page Boulevard, St. Louis, MO 63132 for copies of his records. In view of the above and in the absence of evidence to the contrary, we find no 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 Docket Number BC-2012-00320 in Executive Session on 23 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 9 Jan 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Record.
- Exhibit C. Letter, AFPC/DPSOS, dated 28 Mar 12.
- Exhibit D. Letter, SAF/MRBR, dated 4 May 12.
- Exhibit E. Letter, Applicant, dated 15 May 12.

Panel Chair