

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:                      DOCKET NUMBER: BC-2012-02538  
  
  COUNSEL: NONE  
  
  HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His narrative reason for separation, *Defective Enlistment Agreement*, and his separation code, KDS, be changed.

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APPLICANT CONTENDS THAT:

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, should be changed to reflect a service connected disability. According to the Aeromedical Summary, he was disqualified from military service due to asthma. He received a service connected disability of 30 percent for asthma.

In support of his request, the applicant provides his rating from the Department of Veterans Affairs and the Aeromedical Summary.

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

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STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 18 February 2003. On 9 June 2003, he was diagnosed with asthma at the Wilford Hall Medical Center and was recommended for discharge. On 25 June 2003, the applicant requested he be discharged for a Defective Enlistment Agreement. The commander approved the request on 24 June 2003. The applicant was discharged on 10 July 2003 and credited with 4 months and 23 days of active duty service.

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AIR FORCE EVALUATION:

AFPC/DPSOS recommends denial. The applicant was removed from training following his diagnosis of asthma. His medical profile prevented him from continuing the physical demands of flying status. He was a guaranteed enlistee who was unable to perform

his duties in flying status and therefore entitled to exercise his right to separate from the Air Force.

The applicant states he was discharged due to medical reasons. However, he was approved for discharge in accordance with a defective enlistment agreement per his request. The basis for his request was the Air Force's alleged failure to fulfill its commitments recorded on his enlistment/reenlistment agreement. However, AFI 48-123, para A2.6.5 and A7.16.1.9, states asthma is disqualifying for both continued military service and flying duty.

The applicant provided no facts warranting a change to his narrative reason for separation or separation code.

The complete DPSOS evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 22 August 2012, for review and comment within 30 days (Exhibit D). As of this date, this office has received no response.

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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 submission in judging the merits of the case; however, we agree with the opinion and recommendation of the Air Force office of primary responsibility and adopt its rationale as the basis for our conclusion that the applicant has not provided facts warranting the change he seeks. Therefore, in the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.

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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.

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The following members of the Board considered AFBCMR Docket Number BC-2012-02538 in Executive Session on 6 December 2012 under the provisions of AFI 36-2603:

, Panel Chair  
, Member  
, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 7 May 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSOS, dated 1 Aug 12.
- Exhibit D. Letter, SAF/MRBR, dated 22 Aug 12.

Panel Chair