

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01257  
COUNSEL: NONE  
HEARING DESIRED: YES

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APPLICANT REQUESTS THAT:

1. His Uncharacterized service be changed to Honorable.
  2. His narrative reason for separation "Failed Medical/Physical Procurement Standards" reflect "Discharge from Service-Connected Injury and Illness during the time in Military Active Duty."
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APPLICANT CONTENDS THAT:

During his time in the service while stationed at Lackland AFB he received serious injuries from a fall to the ground and from being struck by a fellow airman's elbow while getting out of bed. He has suffered with headaches, dizziness, leg, back, and chest pain, as well as brain injury.

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 29 November 2011 and was discharged on 16 December 2011. He served 18 days on active duty and received an RE Code of 4C - (Separated for concealment of juvenile records, minority, failure to meet physical standards for enlistment, failure to attain a 9.0 reading grade level as measured by the Air Force Reading Abilities Test, or void enlistments).

The remaining relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the letter prepared by the AFBCMR Medical Consultant which is at Exhibit C.

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AIR FORCE EVALUATION:

The AFBCMR Medical Consultant recommends denial. He states the applicant was involved in a motor vehicle accident in Vietnam in 1988, injuring his back, and hospitalized for three days. No medical records are available for this encounter - Existed Prior to Service (EPTS).

The applicant was involved in another motor vehicle accident on 30 November 2010, (12 months prior to his enlistment). He injured his neck, back, and head; he was seen in the emergency room at a local hospital and discharged. He followed up with his private medical provider who states "future recurring problems should not be ruled out. However, spinal sprain syndrome of this nature could lead to long-term problems in the future with increasing osteoarthritis changes. As with all soft tissue injuries he may experience periodic exacerbative episodes of painful musculo-skeletal symptoms from time to time, depending on activity level. During these periods, he may well require future treatment and should be afforded, including re-evaluation with the clinic, regular physiotherapy/chiropractic modalities over the next 2 to 3 years and on demand basis indefinitely..." The above statements and facts support a condition that existed prior to service, the applicant knowingly or unknowingly failed to report this change in physical condition.

The applicant states he fell backward and injured his back and head on 1 December 2011 (one day after enlistment). He was evaluated and had x-rays and a MRI of his spine which was reported as normal without pathology. Also, his physical exams were all reported as normal.

The applicant was accidentally hit in the head by a fellow airman's elbow as he was getting out of his bunk bed. On 8 December 2011, a physical examination at that time was normal.

Regarding the applicant's injuries during his military service from 29 November 2011 to 16 December 2011, review of his military medical records show no exacerbation of symptoms, no evidence of permanent aggravation of symptoms, and all symptoms are verbatim to those described by his chiropractor. The applicant's medical notes dated 8 December 2011, read: "Head pain is intermittent and is more annoying than painful and feels better overall."

It is noted that the applicant was offered legal counsel but declined. He has not met the burden of proof of an error or injustice that warrants a change in the record.

The Medical Consultant's complete evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant states he was misled by a fraudulent promise by Air Force personnel. He was promised that he would be trained in a special course for senior officer leadership (minimum ranking and payment of a captain) in conjunction with his education, experience, and background as a Harvard graduate. He further states, he was involved in several accidents and was misdiagnosed. He was in good and stabilizing condition before entering active duty.

The applicant's complete response, with attachments, is at Exhibit E.

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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 timely filed.
3. Insufficient relevant evidence has been presented to demonstrate the existence of an error or injustice that would warrant a change to his narrative reason. After a thorough review of the evidence of record and the applicant's submission, we are not persuaded that given the circumstances surrounding his separation from the Air Force, that the narrative reason should be changed. The applicant contends that he suffered serious injuries during his military service; however, in this respect, we note the comments by the AFBCMR Medical Consultant that a review of his medical records shows no exacerbation of symptoms, no permanent aggravation of symptoms, and all symptoms are verbatim to those described by his chiropractor. Therefore, we are not persuaded that a change to the applicant's narrative reason for separation is warranted. We are in complete agreement with the assessment and recommendation of the AFBCMR Medical Consultant that the applicant has not met the burden of proof of an error or injustice that warrants a change in the record. With regard to his request that his service be characterized as honorable, airman are given entry level separation/uncharacterized service characterization when separation is initiated in the first 180-days continuous active service. The Department of Defense (DoD) determined that if a member served less than 180 days continuous active service, it would be unfair to the member and the service to characterize their limited service. Therefore, his uncharacterized character of service is correct and in accordance with DoD and Air Force

instructions. Therefore, in the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.

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 issues involved. Therefore, the request for a hearing is not favorably considered.

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The following members of the Board considered AFBCMR Docket Number BC-2012-01257 in Executive Session on 5 March 2013, under the provisions of AFI 36-2603:

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-01257 was considered:

- Exhibit A. DD Form 149, dated 1 February 2012, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFBCMR Medical Consultant, dated 26 December 2012.
- Exhibit D. Letter, AFBCMR, dated 14 January 2013.
- Exhibit E. Letter, Applicant, not dated.