

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02825
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

Her uncharacterized entry level separation be changed to honorable.

APPLICANT CONTENDS THAT:

It is unjust that she did not receive an honorable discharge, since she was discharged because she injured her knee during physical training (PT). As a result, she is prevented from receiving educational benefits, to which she is entitled.

The applicant did not provide any documentation in support of her request.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

On 13 Nov 07, the applicant entered the Regular Air Force.

On 17 Mar 08, the applicant was notified of her commander's intent to recommend that she be discharged from the Air Force under the provisions of AFPD 36-32, *Air Force Military Training* and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.14. for Erroneous Enlistment. Specifically, for not disclosing on her Report of Medical History that she had a history of knee trouble and knee surgery. The applicant acknowledged receipt of the notification of discharge, waived her right to seek counsel and to submit a statement on her own behalf.

On 18 Mar 08, the Assistant Staff Judge Advocate reviewed the case file and found it legally sufficient to support separation.

On 19 Mar 08, the discharge authority approved an entry level separation. On 20 Mar 08, the applicant was separated from the Air Force for Erroneous Entry (other), after completing four months and eight days of total active service.

Airmen are given uncharacterized entry level separations when separation is initiated within the first 180 days continuous active service. The Department of Defense (DoD) determined it would be unfair to the member and the service to characterize their limited service.

The remaining relevant facts pertaining to this application are contained in the letters prepared by the appropriate offices of the Air Force, which are attached at Exhibits C and D.

AIR FORCE EVALUATION:

HQ AETC/SGPS recommends denial. SGPS states the applicant's separation was done in accordance with established policy and administrative procedures.

According to HQ AETC/SGPS's letter dated 16 Jul 12, the applicant stated that both her recruiter and the Chief Medical Officer knew about the history of her knee and told her not to say anything and she would be fine. She noted that she did not want to be considered for a waiver to remain in the service and continue training.

The complete SGPS evaluation is at Exhibit C.

HQ AFPC/DPSOS recommends denial. DPSOS states that based on the documentation on file in the master personnel records, the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority. The applicant stated that both her recruiter and the Military Entrance Processing Station Chief Medical Officer (CMO) knew about the history of her knee and told her not to say anything and she would be fine; however, she noted that she did not want to be considered for a waiver to remain in the service and continue training. Had this been followed-up, the CMO of their office would have requested an orthopedic evaluation to rule out any abnormality concerning her knee, and if found symptomatic, she would have been found disqualified for military service.

The complete DPSOS evaluation is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 25 Sep 12, for review and comment within 30 days (Exhibit E). As of this date, this office has not received a response.

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 of the case; however, we agree with the opinions and recommendations of the Air Force offices of primary responsibility and adopt their rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice. 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-2012-02825 in Executive Session on 5 Feb 13, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 18 Jun 12.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AETC/SGPS, dated 16 Jul 12.
- Exhibit D. Letter, AFPC/DPSOS, dated 14 Aug 12.
- Exhibit E. Letter, SAF/MRBR, dated 25 Sep 12.

Panel Chair