



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

OCT 2 11998

Office of the Assistant Secretary

AFBCMR 97-02355

MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED], be corrected to show that the narrative reason for separation, issued in conjunction with his Entry Level Separation on 28 October 1994 was "Erroneous Entry - Other," and the separation program designator (SPD) code was "JFC."


JOE G. LINEBERGER
Director
Air Force Review Boards Agency

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

OCT 21 1998

IN THE MATTER OF:

DOCKET NUMBER: 97-02355

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His narrative reason for separation be changed and, his discharge be changed to honorable.

APPLICANT CONTENDS THAT:

The reasons the applicant believes the records to be in error or unjust and the evidence submitted in support of the appeal are at Exhibit A.

Applicant's submission is attached at Exhibit A.

STATEMENT OF FACTS:

The relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the letters prepared by the appropriate offices of the Air Force Office of Primary Responsibility (OPR). Accordingly, there is no need to recite these facts in this Record of Proceedings.

AIR FORCE EVALUATION:

The Chief Medical Consultant, AFBCMR, Medical Advisor SAF Personnel Council, states that from review of available records, it appears that the applicant had been truthful with his recruiter in initially revealing his history of childhood asthma, as the note from his physician's office, dated 3 May 1994, clearly indicates that he sought out the required information that was apparently asked for by the recruiter. If, as the applicant contends, the recruiter then had him fill out a second medical history form concealing this history of early childhood asthma, the applicant should not have been considered a fraudulent entry, but rather an erroneous entry level separation should have been the reason for his dismissal. It seems clear that the applicant did not willfully falsify his records to gain

entry into the military under fraudulent pretenses, but was prompted in this direction by a zealous recruiter. The BCMR Medical Consultant is of the opinion that the DD Form 214 should be changed.

A complete copy of the Air Force evaluation is attached at Exhibit C.

The Military Personnel Management Specialist, Separations Branch, HQ AFPC/DPPRS, states that they concur with the recommendation of the AFBCMR Medical Consultant that the applicant did not enter the Air Force through fraud since he did not conceal a medical history. AFPC/DPPRS recommends the applicant's records be corrected by changing the Separation Program Designator (SPD) code to "JFC" and the reason for separation be changed to "Erroneous Entry (Other)." However, they do not recommend the applicant's discharge be changed to honorable since airmen are given entry level separation/uncharacterized service characterization when separation action is initiated against them in the first 180 days of continuous active service.

A copy of the Air Force evaluation is attached at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 15 December 1997 for review and response within 30 days. As of this date, no response has been received by this office.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice warranting partial relief. It appears that prior to the applicant's enlistment into the Air Force, his recruiter indicated a statement was needed from his (applicant's) physician that he had no problems with asthma after the age of 12 years of age. The applicant obtained the medical statement from his physician which is dated 3 May 1994 and the enlistment became official on 14 September 1994. Applicant states that the recruiter then had him fill out a new medical history form concealing the history of his early childhood asthma. We agree with the BCMR Medical Consultant that the applicant did not willfully falsify his records to gain entry into the military

under fraudulent pretenses. Therefore, in an effort to remove any possibility of an injustice to the applicant, we believe his reason for separation should be changed and his records be corrected to the extent indicated below.

4. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice with regard to applicant's request for an honorable discharge. We note that he served just over one month of active service at the time his commander recommended separation action. As stated by

HO AFPC/DPPRS airmen are given an entry level separation/uncharacterized when separation action is initiated against them in the first 180 days of continuous active service. Therefore, we find no error or injustice to the applicant and do not recommend favorable action to this portion of his request.

~~THE BOARD RECOMMENDS THAT:~~
THE BOARD RECOMMENDS THAT:

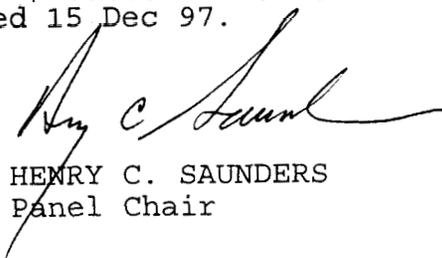
The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that the narrative reason for separation, issued in conjunction with his Entry Level Separation on 28 October 1994, was "Erroneous Entry - Other," and the separation program designator (SPD) code was "JFC."

The following members of the Board considered this application in Executive Session on 3 September 1998, under the provisions of AFI 36-2603:

Mr. Henry C. Saunders, Panel Chair
Mr. Joseph G. Diamond, Member
Ms. Peggy E. Gordon, Member

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 9 Sep 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, BCMR Medical Consultant, dated 3 Nov 97.
- Exhibit D. Letter, HQ AFPC/DPPRS, dated 24 Nov 97.
- Exhibit E. Letter, AFBCMR, dated 15 Dec 97.



HENRY C. SAUNDERS
Panel Chair

3 Nov 97
97-02355

MEMORANDUM FOR AFBCMR

FROM: BCMR Medical Consultant
1535 Command Drive, EE Wing, 3rd Floor
Andrews AFB MD 20762-7002

JBJEC Application for Correction of Military Records
[REDACTED]

Applicant's entire case file has been reviewed and is forwarded with the following findings, conclusions and recommendations.

REQUESTED ACTION: Applicant was given an entry level separation under provisions of AFR 36-10 Section C, Para. 5-15 on 28 Oct 94 for fraudulently withholding medical information on his enlistment history and physical examination form. He served only 1 month and 15 days of basic training. He requests a change of his records to reflect an Honorable discharge rather than the Uncharacterized designation he now carries.

FACTS: Applicant contends that in the course of his filling out medical forms for enlistment he was told by his recruiter that a history of asthma would disqualify him from service and that he needed a statement from his private doctor that he had no problems with this disease after age 12. Records show that applicant's mother phoned his physician on 3 May 94 and was told there was no evidence of asthma after 1990 when the applicant was then 16 years old. The applicant states he furnished this information to his recruiter who then had him fill out a new medical history form on which he denied a history of asthma. When he suffered from a reactive airway attack in basic training, the applicant's prior history of childhood asthma was discovered, and his separation followed as due to fraudulent entry.

DISCUSSION: From review of available records it appears that the applicant had been truthful with his recruiter in initially revealing his history of childhood asthma, as the note from his physician's office dated 3 May 94 clearly indicates he sought out the required information that was apparently asked for by the recruiter. If, as the applicant contends, the recruiter then had him fill out a second medical history form concealing this history of early childhood asthma, the applicant should not have been considered a fraudulent entry but rather an erroneous entry level separation should have been the reason for his dismissal. It seems clear that the applicant did not willfully falsify his records to gain entry into the military under fraudulent pretenses, but was prompted in this direction by a zealous recruiter.

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AFBCMR Case # 97-02355

RECOMMENDATION: The BCMR Medical Consultant is of the opinion that the DD Form 214 should have block 28 changed to read: Erroneous Entry into Military Service under provisions of AFR 36-10, Section C, Para. 5-14. This still warrants an Uncharacterized character of service discharge as it occurred within the first six months of the applicant's military service, and, therefore, no change in the character of service or RE Code should be made.



FREDERICK W. HORNICK, Col., USAF, MC, FS
Chief Medical Consultant, AFBCMR
Medical Advisor SAF Personnel Council

9702355



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS



NOV 24 1997

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPRS
550 C Street West Ste 11
Randolph AFB TX 78150-4713

SUBJECT Application for Correction of **Records** [REDACTED]

The applicant, while serving in the grade of airman basic, was separated from the Air Force 28 Oct 94 under the provisions of AFR 39-10 (Entry level Separation/Fraudulent Entry into Military Service) with an uncharacterized discharge. He served 01 month and 04 days total active service.

Requested Action. The applicant is requesting that his discharge be changed to honorable. He also contends that the "fraudulent enlistment" is not correct. He states he **was** open and honest with his recruiter and told him he had a history of asthma when he **was** a child. He states the recruiter had him complete the medical history forms and not list **his prior medical** condition with asthma. The advisory provided by the AFBCMR Medical Consultant, 03 Nov 97 gives information concerning applicant's medical condition **at the** time of **his** enlistment..

Recommendation. We concur with the recommendation of the AFBCMR Medical Consultant that applicant did not enter the Air Force through fraud since he did not conceal a medical history. We recommend AFBCMR direct applicant's SPD code be change to "JFC" and the reason for separation be changed to "Erroneous Entry (Other)." However, we do not recommend that his discharge be upgraded to honorable since airmen are given entry level separation/uncharacterized service characterization when separation action is initiated against them in the first 180 days of continuous active service. He has filed a timely request.

[REDACTED]

Military Personnel Mgmt Spec
Separations Branch
Dir of Personnel Program Management

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