

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NO: 96-03466

COUNSEL: None

OCT 28 1997

HEARING DESIRED: No

Applicant requests that his separation be changed to retirement by reason of physical disability. Applicant's submission is at Exhibit A.

The appropriate Air Force offices evaluated applicant's request and provided advisory opinions to the Board recommending the application be denied (Exhibit C). The advisory opinions were forwarded to the applicant for review and response (Exhibit D). Applicant's response is attached at Exhibit E.

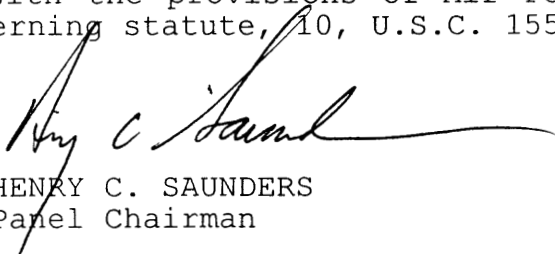
The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinions appear to be based on the evidence of record and have not been adequately rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Mr. Henry C. Saunders, Mr. Joseph T. Wagner, and Mr. Richard A. Peterson, considered this application on 16 October 1997, in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.

  
HENRY C. SAUNDERS  
Panel Chairman

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinions
- D. AFBCMR Ltr Forwarding Advisory Opinions
- E. Applicant's Response

24 Apr 97  
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MEMORANDUM FOR AFBCMR

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

SUBJECT: Application for Correction of Military Records  


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

**REQUESTED ACTION:** The applicant electively separated under the early release program (SSB) on 25 Jul 92 after 10yr, 6m0, 20da on active duty. He now applies requesting the records be changed to show a medical retirement instead of voluntary separation.

**FACTS:** Review of medical records shows that applicant was seen through the years of his enlistment for various minor medical problems as might be expected of any military member. His separation history and physical examination on 7 Apr 92 found no disqualifying defects and he was pronounced fit for worldwide duty. As part of this separation process, he was seen in consultation by orthopedic, pulmonary and cardiac services who concurred with no significant disease processes being present. He did have some knee pain that was variously called chondromalacia patella and patello-femoral syndrome, but no significant derangement of function was found. He accepted his separation bonus upon discharge and was then granted VA disability of 10% for service-connected knee disease. He joined the Oklahoma ANG in Feb 1996, but is apparently being referred to medical board review for his alleged service connected disabilities.

**DISCUSSION:** Evidence of record and medical examinations prior to separation indicate the applicant was fit and medically qualified for continued military service or appropriate separation and did not have any physical or mental condition which would have warranted consideration under the provisions of AFR 35-4. Reasons for discharge and discharge proceedings are well documented in the records. Action and disposition in this case are proper and reflect compliance with Air Force directives which implement the law.

Evidence of record shows that while the applicant was treated for some ordinary medical problems while on active duty as will occur in most service members, none of these problems singly, nor any combination of them, was of sufficient severity to justify a finding of unfit. There is no evidence to suggest that the applicant deserved consideration for separation through the Medical Disability Evaluation System.

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Evidence of record establishes beyond all reasonable doubt that the applicant was medically qualified for continued active duty, that the reason for his separation was **proper**, and that no error or injustice occurred in this case.

RECOMMENDATION: The Medical Consultant is of the opinion that no change in the records is warranted and the application should be denied.

A handwritten signature in black ink, appearing to read "Frederick W. Hornick". The signature is written in a cursive style with a large initial 'F'.

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

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

3 Jul 97

MEMORANDUM FOR AFBCMR

FROM: AFPC/DPPD  
550 C Street West Ste 06  
Randolph AFB TX 78150-4708

SUBJECT: Application for Correction of filit Records [REDACTED]

REQUESTED ACTION: Applicant requests his voluntary separation in 1992 be changed to a disability retirement.

FACTS: The applicant voluntarily separated from the Air Force on 25 Jul 92 upon completion of ten years, six months and twenty days of active duty; he received a special separation bonus of \$27,028.89. In Feb 96, he joined the Oklahoma Air National Guard. Subsequently, he received a disability rating from the Department of Veterans Affairs for service-connected knee pain, bronchitis and tinnitus and, apparently, has been found medically disqualified from further military duty in the National Guard. Member now requests a disability retirement retroactive to the date he voluntarily separated from active duty.

DISCUSSION: We carefully reviewed the AFBCMR application and verify that the applicant was never referred to or considered by the Air Force Disability System under the provisions of AFR 35-4 or AFI 36-3212. The purpose of the military disability system is to maintain a fit and vital force by separating members who are unable to perform the duties of their office, grade, rank or rating. Members who are separated or retired for reason of physical disability may be eligible, if otherwise qualified, for certain disability compensations. Eligibility for disability processing is established by a Medical Evaluation Board (MEB) when that board finds that the member may not be qualified for continued military service. The decision to conduct an MEB is made by the medical treatment facility providing care to the member.


The applicant's medical condition is explained by the Medical Consultant; we concur with his advisory. The record clearly shows that while the applicant may have been treated for various medical conditions while on active duty, none were serious enough to render him unfit for further military service under the provisions of disability law and policy. He was fit for duty upon his Jul 92 separation from active duty.

Members of the Air Reserve Component are only eligible for disability evaluation when their disability arose during a period of active duty, full-time training duty under a call or order specifying a 30 day or less duty period or when performing inactive duty training under 37 USC

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204. Further, to be eligible for disability processing when serving for a **period** of less than 31 days, the injury or exacerbation of a preexisting condition must be the proximate result of performing military duty. It appears the applicant's condition may not have met these provisions for consideration by the disability evaluation system or is still being processed **within** the Reserve Component channels and will be forwarded at some **future** date for **our** review.

**RECOMMENDATION:** We recommend **denial** of **the** applicant's request. The applicant has not submitted any material or documentation to **show** that **the** service member **was** unfit to **perform** the duties of his office, grade, **rank** or rating **as the** result of a physical disability upon his voluntary separation from active duty in **1992**.

  
STEPHEN J. CHMIOLA, Colonel, USAF  
Chief, Physical Disability Division  
Directorate of Pers Prog Management

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