

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NO: 97-01280

COUNSEL: NONE

OCT 22 1997

HEARING DESIRED: NO

It appears the applicant is requesting that he be permitted to appear before a Formal Physical Evaluation Board (FPEB). Applicant's submission is at Exhibit A.

The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit C). The advisory opinion was forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

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 opinion appear to be based on the evidence of record and have not been 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. Wayne R. Gracie, Mr. Michael P. Higgins, and Mr. Kenneth L. Reinertson considered this application on 30 September 1997 in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.

*Wayne R. Gracie*

WAYNE R. GRACIE  
Panel Chairman

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinion
- D. SAF/MIBR Ltr Forwarding Advisory Opinion

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

9 Jun 97

MEMORANDUM FOR AFBCMR

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

SUBJECT: Application for Correction of Military Records [REDACTED]

REQUESTED ACTION: Applicant requests that he be allowed to go before the "Medical Evaluation Board".

FACTS: Applicant **was** placed on the Temporary Disability Retired List (TDRL) on 4 Jul 95 with a diagnosis of Ulcerative Colitis after serving twelve years, eleven months, and two days of active duty. Member completed **his** first periodic physical evaluation on 27 Nov 96. Upon review of the results, the Informal Physical Evaluation Board (IPEB) recommended that applicant be discharged with severance pay with a 10 percent compensable disability. IPEB recommendation was forwarded to member and he concurred with the results on 24 Mar 97. Separation action **was** initiated on 7 Apr 97 and discharge was effective 28 Apr 97.

DISCUSSION: Upon review of the BCMR case, we believe that the member appears to be requesting that he now be able to appear before the Formal PEB at Lackland **AFB**, Texas and not the "Medical Evaluation Board (MEB)" **as** stated in his request. The decision to conduct an MEB is made by the medical treatment facility providing care to the member at the time the member is found to be unfit for military service. Once a disability **case** has been finalized by the **Office** of the Secretary of the Air Force, there are no provisions to reopen that case. The member's only choice from that point is to apply for a board of correction of military record.

Applicant contends that he was not fully informed of the consequences of **accepting** a discharge with severance pay. A "Discharge with Severance Pay" fact sheet **was** forwarded to the member at the time he was provided the **results** of the IPEB recommendation. The fact sheet clearly states that upon discharge, his military benefits will be terminated. It also offers the member the opportunity to request a FPEB **or** submit a written rebuttal. Member elected neither option and concurred with the recommendation of the IPEB.

In reference to applicant's remarks "There is no mention of the fact that I could not receive any financial disability compensation **from** the Veterans Administration. I **was** informed of **this** only after contacting the Veterans Administration." is irrelevant to military disability processing. Of note, however, is the fact that the applicant received a letter from AFPC/DPPD,

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dated 7 Apr 97, notifying **the** applicant, "If you are currently receiving Veterans Administration (VA) disability compensation, you should notify the VA of this action immediately and provide them a copy of your discharge special order. Failure to make this notification may result in overpayment by the VA, creating a debt against the government which you would be obligated to repay."

After a thorough **of** the AFBCMR case file, we find there is no irregularity that would merit a change to the record.

**RECOMMENDATION:** We recommend denial of the applicant's request. The applicant **has** not submitted any material or documentation to show that he **was** inappropriately rated or that he **was** inappropriately separated by reason of physical disability. The applicant was afforded and exercised all rights afforded him by disability law **and** policy.



*Doris L. Romero*

DORIS L. ROMERO, DAFC, **GS-11**  
Chief, Disability Operations Branch  
Physical Disability Division  
Directorate **of** Pers Prog Management

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