



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

DEC 18 1998

Office of the Assistant Secretary  
AFBCMR 96-01264

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:

- a. On 28 August 1995, she was released from active duty and transferred to the Reserve of the Air Force.
- b. On 24 January 1996, she was ordered to active duty in the grade of airman for the convenience of the government, and competent authority approved reimbursement of her obstetric expenses in the amount of \$2,485.00.
- c. On 25 January 1996, she was honorably discharged in the grade of airman under the provisions of AFI 36-3208 (Pregnancy or Childbirth).

  
JOE G. LINEBERGER

Air Force Review Boards Agency

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

DEC 16 1998

IN THE MATTER OF:

DOCKET NUMBER: 96-01264

[REDACTED] NS one

[REDACTED] HEARING DESIRED: No

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~~APPLICANT REQUESTS THAT:~~

She be refunded for prenatal and delivery expenses incurred in a civilian facility after her separation in the amount of \$4,237.14.

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~~APPLICANT CONTENDS THAT:~~

She was promised she would be medically taken care of until her six-week check-up after her delivery date. She faxed all needed information and paperwork on 4 August 1995, 24 days before her discharge date. Her total bills came up to \$4,237.14, and this has set her spouse and herself back quite a bit. She feels she was handled unjustly and without care and would like to be repaid for all medical costs.

In support, she provides a "Self Pay Plan" schedule of fees from the [REDACTED] County Medical Associates for various types of obstetrical care ranging from \$1,800.00 to \$2,000. At the bottom of the list is a handwritten notation of "\$2,400.00." A printout of charges from the [REDACTED] Healthcare Center, dated 12 March 1996, reflects an amount of \$2,485.00. She also submits phone bills with certain charges highlighted *[not all the numbers are fully visible; the total is probably between \$20-25]*; canceled checks made to the [REDACTED] Country Medical Associates/Center totaling \$2,995.00, and a canceled check for \$35.18 to a store for vitamins.

Applicant's complete submission is attached at Exhibit A.

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~~STATEMENT OF FACTS:~~

The applicant enlisted in the Air Force on 8 September 1994. On 2 June 1995, while stationed at [REDACTED] AFB, [REDACTED] she was notified by the [REDACTED] Medical Treatment Facility (MTF) that she was pregnant. On 6 July 1995, she requested to be discharged effective 28 August 1995 due to pregnancy. Her commander concurred on 6 July 1995. On her pre-separation counseling checklist, applicant indicated she desired counseling for most of the services/benefits indicated. She opted not to purchase short-

term medical coverage. (Individuals who are covered by an insurance plan providing obstetric care would be ineligible to apply for post-service maternity care.)

On 4 August 1995, the applicant, in accordance with AFR 168-6, applied to the [REDACTED] AFR [REDACTED] for prenatal and childbirth care as a former active duty, honorably-discharged female. However, on 22 August 1995, the Commander, [REDACTED] Medical Group [REDACTED] MDG) at [REDACTED] disapproved the requested care based on services not being available. AFR 168-6, paragraph A10-4, stipulates that care is limited to prenatal, delivery, and one 6-week post-partum well-baby check as well as follow-up care for the mother and infant as required not to exceed six weeks. Also stipulated is that individuals must request care by applying to the hospital commander. If approved, (applicant's request was not), the individual must be informed any maternity care in a civilian medical facility is at the patient's own expense and, if care must be transferred to a civilian hospital because care is beyond the capability of the US MTF, the cost is at the individual's own expense. A statement containing these stipulations is required to be signed by the patient and filed in the record. As part of her appeal to this Board, the applicant included such a statement in sample format and makes notes that she was not informed of these requirements. However, as she was not approved for care at the MTF, it was not necessary for her to be advised of this stipulation or to sign such a statement.

Applicant was honorably discharged on 28 August 1995, having served 11 months and 21 days of active duty. The AFBCMR Staff was informally advised by the Defense Finance and Accounting Service (DFAS-DE) that, although her DD Form 215 indicates she was paid for 15.5 days of leave, the applicant actually took 16 days of terminal leave from 13 to 28 August 1995. She owed one day of leave, which was deducted from her final paycheck.

The applicant apparently contracted with a civilian health care provider ([REDACTED] County Medical Associates) for obstetrical care. According to the documents provided by the applicant, it appears her child was born on 24 January 1996.

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AIR FORCE EVALUATION:

The Deputy Chief, Managed Care Division, HQ USAF/SGMA, reviewed the appeal and states that the [REDACTED] MDG at [REDACTED] does not have in-house obstetrical services. Her request for care was disapproved. Additional information was not available from the [REDACTED] MDG as the sergeant handling this case has since separated. Only out-patient obstetrical services are available at the 377<sup>th</sup> Medical Support Squadron ([REDACTED] MDSS) at [REDACTED] and inpatient obstetric care is provided through a civilian hospital. There was no documentation of the applicant attending a briefing by the obstetric staff at the [REDACTED] MDSS.

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

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~~APPLICANT'S REVIEW OF AIR FORCE EVALUATION:~~

A complete copy of the Air Force evaluation was forwarded to the applicant on 7 October 1996 for review and comment within 30 days. As of this date, no response has been received by this office.

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~~ADDITIONAL EVALUATION:~~

The Board deferred rendering a final decision pending additional information. Pursuant to the AFBCMR Staff's request, the following additional advisory was provided:

The Chief, Claims Branch, DFAS-DE/FYCC, provided a technical evaluation, indicating that the only way the applicant could be reimbursed for her medical expenses as she requests would be to extend her date of separation (DOS) to include the birth of her child. As a consequence of placing her on active duty for the period 28 August 1995 through 24 January 1996, the applicant would then be entitled to reimbursement of her medical costs as well as the \$3,985.94 in active duty pay and allowances, less any civilian earnings.

A copy of the complete DFAS evaluation is at Exhibit E.

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~~APPLICANT'S REVIEW OF THE ADDITIONAL EVALUATION:~~

A complete copy of the DFAS evaluation was forwarded to applicant's last known address on 28 July 1998 for review and comment within 30 days. However, it was returned unopened to this office, the envelope indicating that the applicant had moved and the letter was not forwardable.

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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. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice to warrant partial relief. The MDG was unable to provide

obstetric services; consequently, the applicant's request for prenatal and childbirth care was disapproved. Although the disapproval did occur before her discharge, the applicant may not have known this since she had already left on terminal leave. Thus, we find it reasonable for her to have believed she would still receive obstetric care after her separation. While we conclude reimbursement is warranted, we are not convinced it should be for \$4,237.14 as applicant requests. The civilian facility's "Obstetrical Care - Self Pay Plan" lists fees in the range of \$1,800.00-\$2,000. We note that although her canceled checks to that organization total \$2,995.00, the facility's printout of charges reflects a total of \$2,485.00. Even if we were to include her vitamins and the highlighted phone bills, the total would still not equal the amount the applicant is asking for. Since we believe reimbursement for the phone bills and vitamins is unwarranted, and the applicant has not provided sufficient evidence of expenses totaling \$4237.14, we find that she should only be reimbursed for \$2,485.00---the amount the civilian provider indicated on its 12 March 1996 printout of charges. DFAS has advised that the only way to effect reimbursement for her obstetric expenses would be to extend her DOS to include the birth of her child. However, as a reinstated military member, she could then claim the obstetric expenses she is requesting in her appeal in addition to the pay/allowances that would be directed to cover these expenses in the first place. We believe that, rather than extending her DOS, the more equitable solution would be to reinstate her on active duty the day her child was born and then discharge her the next day. This would facilitate reimbursement for the \$2,485.00 without resulting in a windfall. Therefore, we recommend her records be corrected to the extent indicated below.

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THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that:

a. On 28 August 1995, she was released from active duty and transferred to the Reserve of the Air Force.

b. On 24 January 1996, she was ordered to active duty in the grade of airman for the convenience of the government, and competent authority approved reimbursement of her obstetric expenses in the amount of \$2,485.00.

c. On 25 January 1996, she was honorably discharged in the grade of airman under the provisions of AFI 36-3208 (Pregnancy or Childbirth).

The following members of the Board considered this application in Executive Sessions on 19 June 1997, 18 April 1998, and 20 October 1998, under the provisions of AFI 36-2603:

Mr. David C. Van Gasbeck, Panel Chair  
Mr. Richard A. Peterson, Member  
Mr. Jackson A. Hauslein, Member

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

- Exhibit A. DD Form **149**, dated 24 Apr 96, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, HQ USAF/SGMA, dated 9 Sep 96.
- Exhibit D. Letter, AFBCMR, dated 7 Oct 96.
- Exhibit E. Letter, DFAS-DE/FYCC, dated 25 Jun 98.
- Exhibit F. Letter, AFBCMR, dated 28 Jul 98.

  
~AVIC, VAN GASBECK  
Panel Chair