

FEB 10 1998

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NO: 97-00436

COUNSEL: NONE

HEARING DESIRED: NO

Applicant requests that his honorable discharge be changed to a medical retirement. Applicant's submission is at Exhibit A.

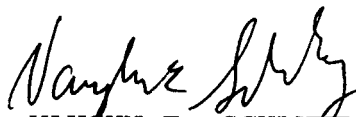
The appropriate Air Force offices evaluated applicant's request and provided advisory opinions to the Board recommending the application be denied (Exhibit C). The advisory opinions were forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by 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 opinions 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. Vaughn E. Schlunz, Ms. Dorothy P. Loeb, and Mr. David W. Mulgrew considered this application on 5 February 1998 in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.


VAUGHN E. SCHLUNZ
Panel Chair

Exhibits:

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

18 Jun 97
97-00436

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
[REDACTED]

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

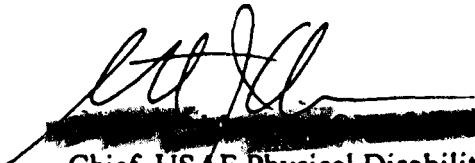
REQUESTED ACTION: The applicant was discharged with severance pay on 11 Jan 96 after serving 3 years, 4 months, 22 days on active duty under provisions of AFI 36-3212. No Disability Rating (DR) was awarded. He now applies requesting that his status be changed to medical retirement based on Department of Veterans' Affairs (DVA) (temporary) award of 100% DR.

FACTS: The records indicate that the applicant met a Medical Evaluation Board on 19 Oct 95, was referred to the Informal Physical Evaluation Board (IPEB), and discharged with severance pay because of adjustment disorder with mixed anxiety and depressive mood status post-suicide attempt (S&I none) VASRD Code 9440 (?), antisocial personality disorder, alcohol abuse, and history of suicide attempts prior to service not disclosed at enlistment. He believes the record is in error because the military evaluated his disability at 0% and the DVA, in an examination on 8 Jul 96 had evaluated his disability at 20%, increasing this temporarily to 100% for a lengthy hospitalization in Sep-Oct 96. Their diagnosis was bipolar disorder, a different VASRD code, 9432. Findings and recommendations of the IPEB were sustained at all levels of review and accepted by applicant and are well supported by the evidence of record. There is no evidence to support a higher rating at the time of permanent disposition. His case was properly evaluated, appropriately rated and received full consideration under the provisions of AFI 36-3212. Action and disposition in this case are proper and reflect compliance with Air Force directives which implement the law.

DISCUSSION: Once an individual has been declared unfit, the Service Secretaries are required by law to rate the condition based upon the degree of disability at the time of permanent disposition and not upon the possibility of future events. No change in military disability ratings can occur after permanent disposition, under the rules of the military disability system, even though the condition may become better or worse. However, Title 38, USC authorizes the VA to increase or decrease the VA compensation ratings based upon the individual's condition at the time of future evaluations.

9700436

RECOMMENDATION: We recommend denial of the applicant's request. The applicant has not submitted any material or documentation **to** prove he **was** inappropriately rated or processed under the military disability evaluation system. He **was** granted all rights to which he was entitled under disability law and departmental policy in effect at the time of his disability discharge.


_____, USAF
Chief, USAF Physical Disability Division
Directorate of Pers Prog Management

=
9700436