



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

Office of the Assistant Secretary

OCT 23 1998

AFBCMR 97-01031

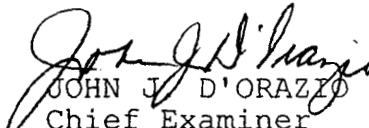
MEMORANDUM FOR THE CHIEF OF STAFF

Under the authority of Section 1552, Title 10, United States Code, Air Force Instruction 36-2603, and having assured compliance with the provisions of the above regulation, the decision of the Air Force Board for Correction of Military Records *is* announced, and 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 16 August 1996, he was found unfit to perform the duties of his office, rank, grade, or rating by reason of physical disability, incurred while he was entitled to receive basic pay; that the diagnoses in his case were: (1) Epstein-Barr virus associated with chronic fatigue, VA diagnostic code 6354, rated at 20% and (2) Irritable Bowel Syndrome, VA diagnostic code 7319, rated at 10%; that the compensable percentage was 30%; that the degree of impairment might be permanent; that the disability was incurred in the line of duty in time of war or national emergency or after 14 September 1978; that the disability was not the direct result of armed conflict or was caused by an instrumentality of war and incurred in line of duty during a period of war; and that the disability was not the direct result of a combat related injury.

b. At the time of his discharge because of physical disability on 9 October 1996, he was not entitled to disability severance pay, but, effective 10 October 1996, he was permanently retired by reason of physical disability.

  
JOHN J. D'ORAZIO  
Chief Examiner

Air Force Board for Correction  
of Military Records



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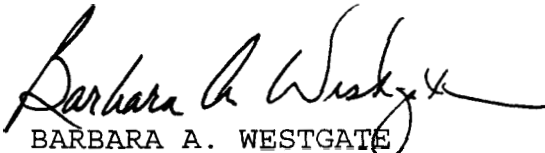
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MEMORANDUM OF CONSIDERATION OF APPLICATION BEFORE THE AFBCMR

SUBJECT: [REDACTED]

Having carefully reviewed this application, we agree with the recommendation of the Air Force (HQ AFPC/DPPD) and adopt the rationale expressed as the basis for our decision that the applicant has been the victim of either an error or an injustice. Therefore, under the authority delegated in AFI 36-2603, the applicant's records will be corrected as set forth in the accompanying Memorandum for the Chief of Staff signed by the Executive Director of the Board or his designee.

  
BARBARA A. WESTGATE  
Panel Chair

Attachment:

Ltr, HQ AFPC/DPPD, dtd 31 Jul 98

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

31 Jul 98

MEMORANDUM FOR AFBCMR

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

SUBJECT: Application for Correction of Military Records [REDACTED]

PURPOSE: This advisory is in reply to [REDACTED] 11 Jun 98 memorandum directing an Informal Physical Evaluation Board (IPEB) reevaluation of [REDACTED] disability condition to include a 4 Aug 95 commander's letter that was previously unavailable to the board.

FACTS: On 11 Jul 96, the IPEB found the applicant unfit for two separate conditions, irritable bowel syndrome and Epstein-Barr virus associated with chronic fatigue and arthralgias. Each condition was rated under the VA Schedule as 10 percent disabling and the board recommended his discharge with severance pay with a combined 20 percent compensable disability rating. While the member initially requested an appearance before the Formal PEB (FPEB) to appeal this finding, he changed his mind and concurred with the IPEB recommendations. Subsequently, officials within the Office of the Secretary of the Air Force directed his discharge with severance pay, which was effective 9 Oct 96.

In response to [REDACTED] memo, the IPEB reviewed the 4 Aug 95 commander's letter previously missing from the applicant disability case and on 17 Jul 98 convened to reconsider his case. After deliberations they remarked, "The IPEB, after carefully reviewing the new information in addition to that available to the IPEB on 11 Jul 96, has concluded that if this 4 Aug 95 letter had originally been available to the board, more detailed medical information would have been sought concerning member's functional disability from his Chronic Fatigue Syndrome prior to reaching a final disability rating recommendation. It appears that this information would have been similar to that included in the VA Hospital notes that now accompany the AFBCMR case file. Although the member had several periods of leave in the early 1990's, when the commander's letter was written the member's disability seemed to be limited to two 15 minute naps a day and periodic dizzy spells. By following the Department of Defense disability guidelines, the member's Chronic Fatigue would have been rated 20 percent disabling vice 10. The member's Irritable Bowel Syndrome was correctly rated at 10 percent during the original IPEB. The combined compensable disability rating would then be established


as 30 percent. Since the member's condition had stabilized over the four year period from 1992-1995, the IPEB would have found this member unfit and recommended his permanent retirement with a 30 percent disability rating."

RECOMMENDATION: Recommend approval of the applicant's request. Also recommend that the AFBCMR direct applicant's discharge with severance pay with a 20 percent disability rating under the provisions of Title 10, USC, 1203 be set aside; that his permanent records reflect that he was approved for a permanent disability retirement under the provisions of Title 10, USC, 1201 effective 9 Oct 96, and the following changes be included in his permanent records.

(1) AFBCMR direct HQ AFPC/DPPD to complete an AF Form 356, Findings and Recommended Disposition of USAF Physical Evaluation Board, to include in Item 9A: Category I diagnoses of "Epstein-Barr virus associated with chronic fatigue and Irritable Bowel Syndrome"; that the condition was incurred in the line of duty; that the condition Epstein-Barr virus associated with chronic fatigue be rated at 20 percent disabling, that the condition for Irritable Bowel Syndrome be rated at 10 percent disabling for an overall combined disability rating of 28 percent under the provisions of VA Schedule for Rating Disabilities (VASRD) for VA diagnostic codes 6354 and 7319 respectively; that Items 10A and 10B be checked "Yes" and Items 10C and 10D be checked "No"; that Item 11 include "30" percent compensable percentage, and Item 12 reflect "Permanent Retirement."

(2) AFBCMR direct HQ AFPC/DPPD advise the issuing authority of AF Form 100, Request and Authorization for Separation, concerning applicant's separation to make appropriate order corrections.

Should the AFBCMR agree with our findings and direct the above changes, we recommend the AFBCMR contact DFAS Cleveland in regards to matters concerning any back pay due.

 USAF  
Chief, Physical Disability Division  
Directorate of Pers Prog Management

Attachment:  
Case File

cc:  
SAF/MIBR