

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORD **AUG 25 1998**

IN THE MATTER OF:

DOCKET NUMBER: 97-01279

COUNSEL: NONE

HEARING DESIRED: YES

[REDACTED]
[REDACTED]
Applicant requests that his records be corrected to reflect that he retired after 32 years of service, rather than discharged with entitlement to severance pay on 19 Sep 69. 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). Applicant's response to the advisory opinion is at Exhibit E.

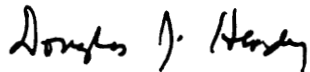
After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinions appear to be based on the evidence of record and have not been adequately rebutted 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 applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issues involved. Therefore, the request for a hearing is not favorably considered.

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. Douglas J. Heady, Mr. Joseph G. Diamond, and Mr. Henry Romo, Jr. considered this application on 11 Aug 98 in accordance with the provisions of Air Force Instruction 36-2603 and the governing statute, 10 U.S.C. 1552.


DOUGLAS J. HEADY
Panel Chair

Exhibits:

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

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

13 Jan 98

MEMORANDUM FOR AFBCMR

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

SUBJECT: Application for Correction of Military Record [REDACTED]
[REDACTED]

REQUESTED ACTION: Applicant requests that his involuntary disability discharge in 1969 be set aside and he receive a service retirement.

FACTS: Applicant was involuntarily released from the Air Force on 4 Apr 68 for physical disability under the provisions of AFM 35-4, and placed on the Temporary Disability Retired List (TDRL). Member completed three years, ten months, and fifteen days of active duty on his initial enlistment. He remained on the TDRL until he was Discharged With Severance Pay (DWSP) with a 10 percent disability rating on 19 Sep 69.

DISCUSSION: 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 grade, office, 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.

An MEB on the applicant was convened at Scott AFB, Illinois on 1 Mar 68 and referred to the Informal Physical Evaluation Board (IPEB). On 12 Mar 68, the IPEB found the member unfit for continued military service for a diagnosis "Non specific ulcerative colitis, universal; associated with iron deficiency anemia and toxic megacolon" and recommended member be placed on the TDRL with a 30 percent disability rating. Applicant agreed with the findings and recommendations of the IPEB on 15 Mar 68. On 20 Mar 68, officials within the Office of the Secretary of the Air Force directed that the applicant be placed on the TDRL. This was effective 5 Apr 68.


While on TDRL, member received a periodic physical evaluation at Scott AFB, Illinois on 7 Jul 69. On 14 Aug 69, based on his updated medical evaluation, the IPEB found his condition had improved somewhat (Ulcerative Colitis, inactive since February 68), found him unfit for continued military service, and recommended his DWSP with a disability rating of 10

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percent. On **19 Aug 69**, the member was provided a memorandum which included a copy of the medical evaluation and an AF Form **356**, Findings and Recommended Disposition of USAF Physical Evaluation Board. This memorandum clearly referred to Items **9** and **10** of the AF Form **356** which reflected the IPEB's recommendation for DWSP with a **10** percent compensable disability rating. The member was afforded three choices to respond to the IPEB's findings and recommendations. The choices included (1) Concur with recommended findings, (2) Do not concur with the recommended findings and request appearance before the Formal PEB, or (3) Do not concur with the recommended findings, waive a formal hearing, and submit my written rebuttal. On **21 Aug 69**, member concurred with the IPEB's findings and subsequently, officials within the Office of the Secretary of the Air Force directed that the applicant be removed from the TDRL, and be discharged with severance pay and a **10** percent compensable disability rating under the provisions of **10 USC 1210**. Member was DWSP on **19 Sep 69**.

A thorough review of the AFBCMR file revealed no errors or irregularities in the processing of the applicant's case within the disability evaluation system. He was appropriately found unfit for continued military service and properly rated under federal disability rating guidelines. The member was afforded all rights to which he was entitled under disability law and departmental policy.

RECOMMENDATION: We recommend denial of the applicant's request. The applicant has not submitted any material or documentation to show he was inappropriately rated or processed under the military disability evaluation system.


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

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