

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-00765

COUNSEL: None

FEB 5 1999

HEARING DESIRED: No

Applicant requests correction of fraudulent Clinical Record prepared by Major A--- B---. 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 responses 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 opinion 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 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, Mr. Frederick R. Beaman, 111, and Mr. Richard A. Peterson considered this application on 12 January 1999 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 Opinion
- D. AFBCMR Ltr Forwarding Advisory Opinion
- E. Applicant's Responses

25 June 1998
98-00765

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]

Filing of this request was not done in a timely manner as 23 years have passed since the applicant was medically retired.

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

REQUESTED ACTION: The applicant was placed on the TDRL on 11 March 1973 after serving 3 years, 5 months, 21 days on active duty. He received a 70% disability rating for schizophrenia. He applies now requesting removal or correction (exact request unclear) of a medical summary prepared prior to his disability evaluation.

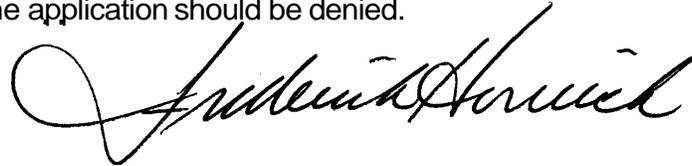
FACTS: The applicant was stationed in England for only a short while when he was referred by his commander for a mental health evaluation because of behavior that was found to be abnormal. He was hospitalized there and subsequently transferred to Wright-Patterson AFB, Ohio for continued evaluation and treatment. His diagnosis of Chronic Undifferentiated Schizophrenia was established there and a Medical Evaluation Board (MEB) convened with referral to the disability evaluation system. There the applicant was recommended for TDRL with which he concurred. The applicant was duly retired, transferred to a DVA hospital for an additional 2 weeks and then followed as an outpatient until February 1976 when he and his mother decided he no longer needed to take the medicines he had been prescribed, and he had no further mental health follow-up from then to the present. From the very start of his TDRL placement, the applicant declined to appear for any scheduled periodic evaluations required by law, and his retirement pay was stopped after the first such failure to appear. He was removed from the TDRL without benefits at the 5-year maximum length on the TDRL when he continued to not report for evaluations.

The applicant contends that the narrative summary prepared for the MEB was not truthful and detrimental to his subsequent civilian life. In support of this, he provides a detailed version of his and also his mother's recollection of events and discussions that occurred while he was being evaluated for his disease, but offers no substantive evidence of any error in the diagnosis, nor in the validity of his evaluation outcome.

DISCUSSION: The applicant offers no medical evidence to the contrary that his diagnosed schizophrenia has ever been found unjustified. By failing to return for mandatory periodic evaluations during his time on the TDRL, the applicant missed out on his right to contest any of his medical history he felt was unjust or untruthful. At no time in the intervening 18 years from his removal from the TDRL has he been seen by the DVA or other medical resources to reevaluate his status or to contest the diagnosis. To now attempt, some 23 years later, to

change a record based on personal recall of perceived events and discussions he held with his treating physician, during a time when he admits to "how ill I was," is not supported by evidence of record. While some minor details (such as mother's exact age to the month when the applicant was born—35 years v. 34 years and 8 months) may not be strictly correct, the intent and content of the summary are found in keeping with such documents and cannot be corrected as the applicant wishes. Without documented evidence to the contrary, the validity of this medical summary must be accepted.

RECOMMENDATION: The BCMR Medical Consultant is of the opinion that no change in the records is warranted and the application should be denied.

A handwritten signature in black ink, appearing to read "Frederick W. Hornick". The signature is written in a cursive, flowing style with a large initial 'F'.

FREDERICK W. HORNICK, Col., USAF, MC, FS
Chief Medical Consultant, AFBCMR
Medical Advisor SAF Personnel Council