RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2010-02534

XXXXXXX COUNSEL: NONE

HEARING DESIRED: NO

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APPLICANT REQUESTS THAT:

She be found fit for duty so she can serve in the Air National Guard or Regular Air Force.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APPLICANT CONTENDS THAT:

The 22 Mar 10 determination that she is unfit for continued service is inaccurate. She believes the evaluation does not represent a thorough review of her previous condition. She believes she is fit for continued service with the Air National Guard or Regular Air Force.

In support of her request, the applicant provides copies of excerpts from her military personnel records, including her DD Forms 214, *Certificates of Release or Discharge from Active Duty*, and documentation related to her removal from the Temporary Disability Retired List (TDRL) and subsequent disability discharge with severance pay.

The applicant’s complete submission, with attachments, is at Exhibit A.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

STATEMENT OF FACTS:

The applicant’s military personnel records indicate she enlisted in the Regular Air Force on 3 Jun 03 and was progressively promoted to the grade of senior airman (E-4), effective and with a date of rank of 18 Nov 05. On 28 Dec 07, she was relieved from active duty and transferred to the TDRL on 29 Dec 07 with a disability rating of 30 percent for major depressive disorder recurrent moderate. On 1 May 09, she underwent her re-evaluation on the TDRL, which ultimately resulted in her disability rating being adjusted to 10 percent and subsequent disability discharge with severance pay.

The remaining relevant facts pertaining to this application are contained in the letter prepared by the appropriate office of the Air Force, which is attached at Exhibit C.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

AIR FORCE EVALUATION:

AFPC/DPSD recommends denial of the applicant’s request, indicating the preponderance of the evidence reflects that no error or injustice occurred during the disability process. The applicant was placed on the TDRL on 29 Dec 07 for a diagnosis of major depressive disorder with a disability rating of 30 percent. She underwent her TDRL re-evaluation in May 09 and the Informal Physical Evaluation Board (IPEB), after reviewing the results of the examination, recommended her removal from the TDRL and subsequent disability discharge with a disability rating of ten percent. The IPEB noted the applicant’s major depressive disorder had improved considerably since she was placed on the TDRL. The applicant disagreed with the findings, waived a formal hearing and submitted a written rebuttal to the Secretary of the Air Force Personnel Council (SAFPC). On 22 Mar 10, SAFPC directed the applicant’s discharge with severance pay with a compensable disability rating of ten percent. In her rebuttal to SAFPC, she noted concern with her disability rating and felt that if she was unfit for duty, she should be given a disability rating of 30 percent, or be categorized as fit for duty in the alternative. SAFPC noted “Airman Williams continues to experience symptoms of depression, although she has done well when family support is available with brief professional interventions. As meeting these needs cannot be assured amongst the rigors of military duty, her condition is unfitting for continued service. Her ability to contribute in a work environment, even though it may be interrupted by bouts of anxiety or depression, notably without medication, is consistent with a disability rating of ten percent.”

A complete copy of the AFPC/DPSD evaluation is at Exhibit C.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 20 Aug 10 for review and comment within 30 days. As of this date, no response has been received by this office (Exhibit D).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

THE BOARD CONCLUDES THAT:

1.  The applicant has exhausted all remedies provided by existing law or regulations.

2.  The application was timely filed.

3.  Insufficient relevant evidence has been presented to demonstrate the existence of an error or injustice. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinion and recommendation of the Air Force office of primary responsibility and adopt its rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice. Therefore, in the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of material error or injustice; the application was denied without a personal appearance; and the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The following members of the Board considered AFBCMR Docket Number BC-2010-02534 in Executive Session on 5 Apr 11, under the provisions of AFI 36-2603:

Ms. XXXXXXXXXX, Panel Chair

Ms. XXXXXXXXXX, Member

Mr. XXXXXXXXXX, Member

The following documentary evidence was considered:

Exhibit A.  DD Form 149, dated 8 Jul 10, w/atchs.

Exhibit B.  Applicant's Master Personnel Records.

Exhibit C.  Letter, AFPC/DPSD, dated 10 Aug 10.

Exhibit D.  Letter, SAF/MRBR, dated 20 Aug 10.

XXXXXXXXXX

Panel Chair