

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2011-03648

XXXXXXX

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

The narrative reason for his separation be changed from "Defective Enlistment Agreement" to "Medical Separation."

APPLICANT CONTENDS THAT:

The basis for his discharge was a medical condition (episodic dizzy spells secondary to migraine headaches) that was discovered while he was serving on active duty and precluded him from continuing in his guaranteed career field of aircraft maintenance.

In support of the appeal, the applicant submits extracts from his medical records.

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

STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 21 April 1999.

On 30 August 1999, he was examined by the Chief, Neurology Services, diagnosed with episodic dizzy spells caused by abdominal migraine headaches, and recommended for reclassification into a less physically demanding career field, than the flight line environment. Based on this diagnosis, his squadron section and squadron training commanders recommended his reclassification.

On 24 November 1999, he was again seen by the Chief, Neurology Services, who cleared him for continued training provided he

carried Midrin medication with him at all times that he is performing flight line duties or in an environment in which a loss of balance would place him in danger and that he immediately report to his commander or physician if the medication did not relieve the symptoms of dizziness or vertigo.

He was in a leave status from 1 to 8 December 1999, due to a death in his family. When he returned he was advised the cut-off date for reclassification was 10 December 1999. He was then gone from 21 December 1999 to 3 January 2000 due to the holiday break. Upon his return, he reported to the reclassification section.

On 6 January 2000, he requested separation effective 20 January 2000, under Air Force Non-fulfillment of Enlisted Agreement, noting that he was medically disqualified from his guaranteed Air Force Specialty Code.

On 1 February 2000, the wing commander approved his separation and on 3 February 2000, he was honorably discharged for Defective Enlistment Agreement.

AIR FORCE EVALUATION:

The AFBCMR Senior Medical Advisor recommends denial and notes, in part, that in order for the applicant to qualify for a medical separation, there must be evidence the condition was permanently aggravated by his military service. However, in his case, the record established clear and unmistakable evidence that his condition existed prior to service (EPTS), since in one instance, he reported symptoms had occurred since the age of 15, notwithstanding a six-month period in which he reportedly did not experience symptoms. He would have likely been discharged without the eligibility for disability severance pay, had he been processed through the Disability Evaluation System,. Although the applicant has applied to the Department of Veterans Affairs for service-connection for a shoulder dislocation, there is no evidence the spontaneous nature of the condition interfered with his military service.

The AFBCMR Senior Medical Advisor's evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A complete copy of the evaluation was forwarded to the applicant on 27 April 2012, for review and response within 30 days.

However, as of this date, no response has been received by this office.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.
3. Insufficient relevant evidence has been presented to demonstrate the existence of 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 AFBCMR Senior Medical Advisor and adopt his 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 compelling basis to recommend granting the relief sought in this application.

The following members of the Board considered AFBCMR Docket Number BC-2011-03498 in Executive Session on 26 June 2012, under the provisions of AFI 36-2603:

XXXX, Panel Chair
XXXX, Member
XXXX, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 24 Aug 11, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Memorandum, AFBCMR Senior Medical Advisor, dated 27 Apr 12.
- Exhibit D. Letter, SAF/MRBC, dated 27 Apr 12.

XXXXX
Panel Chair