

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00233

COUNSEL: NONE

HEARING DESIRED: YES

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APPLICANT REQUESTS THAT:

1. He be medically retired.
  2. All documents referring to him having homosexual tendencies be removed from his medical records.
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APPLICANT CONTENDS THAT:

A physician at Howard Air Force Base asked him if someone asked you if you were gay what would you do or say. He replied that he would ask why the statement was made. As result of that statement, his medical record notes he had homosexual tendencies. He has never had a desire or thoughts of being a homosexual.

These statements negatively impacted the medical board's decision and eliminated any chance he had to return to active duty. Correcting this error and injustice will end his long term mental pain and suffering.

In support of his appeal, the applicant provides a personal statement and his medical records.

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

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STATEMENT OF FACTS:

The applicant entered the Air Force Reserve on 13 August 1975. Effective 31 July 1980, he was placed on the Temporary Disability Retired List (TDRL) for Physical Disability after being diagnosed with schizophrenia. On 3 November 1982, an Informal Physical Evaluation Board found him unfit for continued duty and removed him from the TDRL. He was discharged on 17 December 1982 with entitlement to severance pay and a compensable rating of 10 percent under Veterans' Affairs Code 9203.

The applicant submitted a similar appeal on 23 July 1984 and 20 July 1988, however, those appeals were denied. On 23 April 1996, the AF Board for Correction of Military Records once again

denied the applicant's request for medical retirement with a compensable rating of 50 percent.

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AIR FORCE EVALUATION:

AFMOA/SGAT recommends denial. The applicant's medical records reflect he was treated at Howard AFB Clinic, Panama and was admitted from 9 through 24 January 1980. There is no documentation in the applicant's medical records reflecting any physician stated the applicant was gay or had homosexual tendencies. A discharge summary noted the applicant stated that people had jokingly insinuated he might be gay. He added it did not bother him because it was not true.

The documentation the applicant requests be removed from his records does not exist.

The complete SGAT evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 19 June 2012 for review and comment within 30 days. As of this date, this office has received no response (Exhibit D).

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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 and the available evidence of record in judging the merits of the case. However, we are not persuaded, based upon the evidence presented, that corrective action is warranted. Therefore, 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. In the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.

4. 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.

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THE BOARD DETERMINES THAT:

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

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The following members of the Board considered BCMR Docket Number BC-2012-00233 in Executive Session on 30 August 2012, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 4 Jan 11, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFMOA/SGAT, dated 8 Jun 12.
- Exhibit D. Letter, SAF/MRBR, dated 19 Jun 12.

Panel Chair