

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00442
COUNSEL: None
HEARING DESIRED: Yes

APPLICANT REQUESTS THAT:

His "honorable discharge with subtitle" be changed to a Medical discharge.

APPLICANT CONTENDS THAT:

He was declared disabled before he was discharged with paranoid schizophrenia.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

On 16 Jul 70, the applicant entered a period of active service.

On 14 Mar 72, the applicant was notified by his commander that he was recommending his involuntary discharge. The reason for the action was a 19 Jan 72 psychiatric evaluation, which determined the applicant had a passive dependent personality, chronic, a character and behavior disorder recognized under AFM 39-12.

On 15 Mar 72, after consulting with legal counsel, the applicant acknowledged receipt of the action and waived his right to appear before an administrative discharge board or submit statements in his own behalf.

On 16 Mar 72, the case file was found legally sufficient.

ON 23 Mar 72, the applicant was furnished an honorable discharge and credited with one year, eight months, and eight days of total active service.

The remaining relevant facts are contained in the letter prepared by the AFBCMR Medical Consultant, which is at Exhibit C.

AIR FORCE EVALUATION:

The AFBCMR Medical Consultant recommends denial, indicating the applicant has not met the burden of proof of an error or injustice that warrants the desired change of the record. Additionally, the applicant's claim has not been timely filed, making it virtually impossible and impractical to attempt invalidation of the facts of the record and/or challenging the appropriateness of diagnostic conclusions reached and actions taken at the time of the applicant's military service.

The applicant was discharged for an unsuiting condition that was not considered a compensable disability at the time of his military service. His initial post-service diagnosis of Depressive Reaction issued on 18 Aug 72 following a neuropsychiatric evaluation, and for which he was assigned 30 percent disability rating, can best be likened to, or defined as an Adjustment Disorder with depressed mood, a diagnosis which would have also rendered the applicant vulnerable for an administrative discharge for a mental disorder that is not considered a compensable disability under AFM 39-12 and today's AFI 36-3208.

A complete copy of the AFBCMR Medical Consultant evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATIONS:

A copy of the AFBCMR Medical Consultant advisory was forwarded to the applicant on 14 Nov 12 for review and response within 30 days (Exhibit D). To date, a response has not been received.

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 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 AFBCMR Medical Consultant 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 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-2012-00442 in Executive Session on 4 Dec 12, under the provisions of AFI 36-2603:

Mr. , Panel Chair
Mr. , Member
Ms. , Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 23 Jan 12.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFBCMR Medical Consultant, dated 9 Nov 12.
- Exhibit D. Letter, AFBCMR, dated 14 Nov 12.

Panel Chair