

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00450

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His official military records be corrected by having his Fitness Assessment (FA), dated 27 Jan 11, declared void and removed from the Air Force Fitness Management System (AFFMS).

APPLICANT CONTENDS THAT:

He should not have been allowed to participate in the 27 Jan 11 FA. He injured himself during squadron physical training prior to the FA. He was diagnosed with a herniated disk and nerve damage in both legs and his right arm, but the full impact of his injuries was not known until after he had failed the FA.

In support of his request, the applicant provides copies of a Talking Paper from his Squadron Commander on his medical situation, information from his civilian neurologist, his memo requesting he be retested with 42 days of his failed FA, his Air Force Fitness Management System (AFFMS) profile, an AF Form 469, *Duty Limiting Condition Report*, and selected excerpts from his *medical records*.

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

STATEMENT OF FACTS:

According to the applicant's military personnel records, he currently serves in the Regular Air Force in the grade of Master Sergeant (E-7).

According to Air Force Guidance Memorandum 4 (AFGM-4) to AFI 36 -2905, *Fitness Program*, dated 26 Jun 12, if an Airman becomes injured or ill during the FA and is unable to complete all required components, he/she has the option of being evaluated at the Medical Treatment Facility (MTF) but his/her test will count unless rendered invalid by the Unit Commander. The FA Coordinator (FAC) or Unit Fitness Program Manager (UFPM)

holds scores of Airmen who become injured or ill for 5 duty days to allow Medical and Commander review. Scores can be entered in AFFMS on the 6th day if the Commander does not invalidate the results.

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/DPSIM recommends denial, indicating there is no evidence of an error or injustice. On 23 Feb 12, a memorandum was sent to the applicant requesting documentation. Specifically, the applicant's AF Form 469, the AF Form 422, the *Physical Profile*, and AF Form 108, *Physical Fitness Education and Intervention Processing*. The applicant was unable to provide the AF Form 422 which indicates the member's limitations for FA components. Additionally, the applicant did not provide a copy of his AF Form 108 from his local MTF indicating he had a preexisting medical condition that precluded him from achieving a passing score.

The complete AFPC/DPSIM evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

He reiterates that the extent of his injuries should have been discovered prior to the 27 Jan 11 FA in which he failed the walk test. If the FA had been properly postponed until his medical assessment and treatment were complete, he would not have had to apply to the AFBCMR. The AFPC/DPSIM advisory focuses on the fact that he failed to provide AF Forms 469, 422, and 108. However, he did not have these documents, so he submitted medical journal proof that his injury existed more than two months prior to his FA failure. His neurologist stated that he should not have been walking the distances required for the walk portion of the assessment. He has provided significant evidence to prove his injuries existed prior to 27 Jan 11, and believes the failed FA should be removed from the AFFMS. In support of his response, the applicant submits copies of several documents from his *Chronological Record of Medical Care*.

The applicant's complete response, with attachments, is at Exhibit E.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Sufficient relevant evidence has been presented to demonstrate the existence of an error or injustice. The applicant contends that he should not have been required to participate in the contested fitness assessment (FA) due to the injury he incurred during physical training. After a thorough review of the evidence of record and the applicant's complete submission, to include his response to the Air Force evaluation, we believe that a preponderance of the evidence supports corrective action. While we note the comments from AFPC/DPSIM indicating the documentation provided by the applicant is not sufficient to conclude the contested FA should have been invalidated, we find the evidence sufficient to conclude that his condition had yet to be thoroughly evaluated by the time he participated in the contested FA and, as such, appears to have precluded him from receiving a fair FA. In this respect, we note the applicant has provided a supporting statement from his neurologist indicating that at the time of the FA the applicant suffered from a herniated disk and nerve damage which restricted his ability to successfully complete the FA. Therefore, we recommend the applicant's records be corrected as indicated below.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to the APPLICANT be corrected to show that his 27 January 2011 Fitness Assessment (FA) be declared void and removed from the Air Force Fitness Management System (AFFMS).

The following members of the Board considered AFBCMR Docket Number BC-2012-00450 in Executive Session on 16 Aug 12, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

All members voted to correct the records as recommended. The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-00450 was considered:

- Exhibit A. DD Form 149, dated 20 Jan 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSIM, dated 16 Apr 12, w/atch.
- Exhibit D. Letter, SAF/MRBR, dated 1 May 12.
- Exhibit E. Letter, Applicant, dated 14 May 12, w/atchs.

Panel Chair