

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00492
COUNSEL: NO
HEARING DESIRED: NOT INDICATED

APPLICANT REQUESTS THAT:

His service-connected disability of Post-Traumatic Stress Disorder (PTSD) and entitlement to special monthly compensation be reevaluated under the Combat-Related Special Compensation (CRSC) program.

APPLICANT CONTENDS THAT:

While stationed in Korea, he witnessed soldiers who were killed, wounded, and mutilated. He should be granted compensation under the CRSC program for his service-connected disability of PTSD.

In support of his request, the applicant provides copies of DD Form 214 (Army), *Report of Separation from the Armed Forces of the United States*; an information paper on the Korean Service Medal; and his Department of Veteran Affairs (DVA) Rating Decision, dated 30 August 2011.

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

STATEMENT OF FACTS:

The applicant is a former member of the Air Force Reserve with prior service in the United States Army. He served during the Korean Conflict while in the Army. He was transferred to the Retired Reserve effective 23 April 1990 in the grade of master sergeant (E-7).

The applicant submitted a claim for CRSC for impaired hearing and tinnitus and was approved on 15 June 2006. He submitted a subsequent request for PTSD but was disapproved on 20 October 2011. The applicant requested reconsideration of the board's disapproval, but the request was denied on 31 January 2012.

According to the applicant's DVA Rating Decision, dated 20 August 2011, the DVA granted service connection for PTSD with a disability rating of 30 percent; and, Bilateral Moderate

Sensorineural Hearing Loss with a disability rating of 10 percent.

AIR FORCE EVALUATION:

AFPC/DPSDC recommends denial of the applicant's request that his PTSD be approved for CRSC. DPSDC states his condition does not meet the mandatory criteria for compensation under the CRSC program as outlined under the provisions of Title 10, United States Code (USC), Section 1413a.

The applicant's claims he participated in-country Korea during the Korean War. In his appeal, the applicant indicates he "witnessed soldiers who were killed, wounded, mutilations." The applicant's DVA appeal indicates he witnessed the death of a soldier and reported daily witnessing of wounded soldiers; others being injured and others killed. In accordance with DD Form 2860, *Claim for Combat-Related Special Compensation (CRSC)*, the fact that a member incurred a disability in an area of armed conflict or while participating in combat operations is not sufficient by itself to support a combat-related determination. There must be a definite, documented, causal relationship between the armed conflict and the resulting disability. The DVA's decision to grant the applicant service connection does not automatically qualify a disability as combat-related under the CRSC program. When making combat-related determinations for PTSD, under the Armed Conflict criteria, the board looks for instances of direct combat exposure, such as direct exposure to gunfire or mortar attack. PTSD "stressors" attributed to death of individuals, where the member was not directly involved in the event that caused the death(s), do not qualify for CRSC.

DPSDC indicates the available documentation does not confirm the applicant was exposed to hostile fire.

The complete DPSDC evaluation, with attachments, is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 17 April 2012 for review and comment within 30 days (Exhibit D). As of this date, this office has received no response.

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. The available evidence of record does not support a finding that the service-connected medical condition the applicant believes is combat-related was incurred as the direct result of armed conflict, while engaged in hazardous service, in the performance of duty under conditions simulating war, or through an instrumentality of war; and, therefore, does not qualify for compensation under the CRSC Act. 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 that 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.

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.

The following members of the Board considered Docket Number BC-2012-00492 in Executive Session on 13 November 2012, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-00492 was considered:

- Exhibit A. DD Form 149, dated 9 Feb 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSDC, dated 11 Apr 12, w/atchs.
- Exhibit D. Letters, SAF/MRBR, dated 17 Apr 12.

Panel Chair