

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00554

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

1. Her fitness assessments dated 22 February 2011, 1 June 2011 and 31 August 2011 be removed from the Air Force Fitness Management System (AFFMS).
2. The enlisted performance report with the close-out date of 4 August 2011 be changed from a referred 4 to a non-referred 4.

APPLICANT CONTENDS THAT:

She should have been exempt from all components following abdominal surgery on 9 January 2011. Three days after the surgery she developed blood clots in her right lung and was placed on blood thinners. While on this medication, she could not participate in any type of exercise. She was on the medication until 9 June 2011, yet, was restricted from exercise until 13 February 2013.

In support of the request, the applicant provides a statement from her commander and excerpts of her medical records.

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

STATEMENT OF FACTS:

The applicant is enlisted in the Regular Air Force and serving in the grade of staff sergeant.

Data extracted from the Air Force advisories show that in January 2011, the applicant underwent a medical procedure. She was placed on convalescent leave for two weeks and received a profile exempting her from exercising. She developed two pulmonary embolisms and was placed on blood thinners. As a result, she was restricted from exercising.

The applicant was exempted from the sit-up, push-up and cardiovascular components of the fitness assessments. She

received an unsatisfactory: her abdominal circumference measured at 35 inches on 22 February 2011. She received an unsatisfactory on 1 June 2011: her abdominal circumference measured at 38 inches. She received an unsatisfactory on 31 August 2011: her abdominal circumference measured at 38.50 inches.

She received a referral EPR which closed-out on 4 August 2011 stating she did not meet physical fitness standards.

AIR FORCE EVALUATION:

AFPC/DPSIM recommends partial approval. The applicant was placed on convalescent leave for two weeks following abdominal surgery on 9 January 2011. An AF Form 422 was generated exempting her from all components of the fitness assessment except the abdominal circumference. Three days after her abdominal surgery, she was placed on blood thinners and prohibited from exercise. She was on the medication until 9 June 2011, and remains restricted from exercise until February 2013.

The member should have been exempted from the fitness assessment for 90 days following her surgery. The fitness assessment dated 22 February 2011 should be removed from AFFMS.

The remaining fitness assessments (1 June 2011 and 31 August 2011) are valid and should remain in AFFMS.

The complete DPSIM evaluation, with attachment, is at Exhibit C.

AFPC/DPSID recommends denial of the applicant's request to change the referral report to a non-referral. A review of the applicant's AF Form 422 indicates she was exempt from the sit-up, push-up and cardiovascular components of the assessment. She was not exempted from the abdominal circumference. AFPC/DPSIM recommended the fitness assessment dated 22 February 2011 be removed. They further stated the remaining fitness assessments (1 June 2011 and 31 August 2011) were valid.

During that timeframe, no medical provider recommended the abdominal circumference component be exempted, despite the fact the applicant was entitled to 90 days exemption from the abdominal component. The 1 June 2011, fitness assessment failure is the assessment that caused the EPR to be referred. The referral fitness comment as well as the "Does Not Meet" marking in Section III, Block 3, is valid and appropriate as recorded on the contested evaluation. Furthermore, it is in accordance with all applicable Air Force policies and guidelines.

The applicant's medical issues were properly taken into consideration by the proper authorities within the military medical community. A change or void to the contested EPR would be an injustice to other airmen who have consulted with the medical community and received proper medical profiles regarding the fitness program.

An evaluation is considered to represent the rating chains best judgment at the time it is rendered. Once a report is accepted for filing, only strong evidence to the contrary warrants correction or removal from an individual's record. The applicant has not substantiated the contested reports were not rendered in good faith by all evaluators based on knowledge available at the time.

The complete DPSID evaluation is at Exhibit D.

AFPC/DPSOE recommends denial of the applicant's request for supplemental promotion consideration. The first time the contested report would have been considered in the promotion process was cycle 12E6. However, the referral EPR rendered her ineligible for promotion consideration.

Should the Board deem the fitness assessments date 1 June 2011 and 31 August 2011 invalid and direct the EPR be changed from a referral to a non-referral, the applicant will be entitled to supplemental promotion consideration beginning with cycle 12E6, once tested.

The complete DPSOE evaluation is at Exhibit E.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 20 August 2102, for review and comment within 30 days (Exhibit F). 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 timely filed.
3. Sufficient relevant evidence has been presented to demonstrate the existence of an injustice to warrant relief. We took note of the Air Force offices of primary responsibility's recommendation not to remove the fitness assessments or void the performance reports; however, based on the commander's letter in

support of removing the fitness assessments, along with the physician's statement, we find the applicant's surgery and subsequent medical issues had a direct impact on her ability to pass the referenced fitness assessments. We also find that she exercised due diligence and continuously sought medical treatment to resolve her medical issues. Based on the foregoing, we recommend the records be corrected as indicated below.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that:

a. The fitness assessments dated 22 February 2011, 1 June 2011 and 31 August 2011, be removed from the Air Force Fitness Management System (AFFMS).

b. The AF Form 910, *Enlisted Performance Report (AB thru TSgt)* rendered for the period 5 August 2010 through 4 August 2011, be declared void and removed from her records.

c. An AF Form 77, Letter of Evaluation, stating the overall rating of "4" is confirmed for the rating period 5 August 2010 through 4 August 2011, be inserted in her record in its proper sequence.

It is further recommended that she be provided supplemental consideration for promotion to the grade of technical sergeant for promotion cycle 12E6.

If AFPC discovers any adverse factors during or subsequent to supplemental consideration that are separate and apart, and unrelated to the issues involved in this application, that would have rendered the applicant ineligible for this promotion, such information will be documented and presented to the Board for a final determination on the individual's qualifications for the promotion.

If supplemental promotion consideration results in the selection for promotion to any higher grade, immediately after such promotion the records shall be corrected to show that she was promoted to the higher grade on the date of rank established by the supplemental promotion and that she is entitled to all pay, allowances, and benefits of such grade as of that date.

The following members of the Board considered AFBCMR Docket Number BC-2012-00554 in Executive Session on 2 October 2012 under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-00554 was considered:

- Exhibit A. DD Form 149, dated 6 Feb 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSIM, dated 10 May 12, w/atch.
- Exhibit D. Letter, AFPC/DPSID, dated 28 Jun 12.
- Exhibit E. Letter, AFPC/DPSOE, dated 20 Jul 12.
- Exhibit F. Letter, SAF/MRBR, dated 20 Aug 12.

Panel Chair