

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00811

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

1. His Fitness Assessment (FAs) scores dated 1 Sep 11 and 22 Nov 11 be declared void and removed from the Air Force Fitness Management System (AFFMS).
2. His Letters of Reprimand (LOR), Letter of Admonishment (LOA), and referral Enlisted Performance Report (EPR) be declared void and removed from his official records.
3. He be reinstated to his prior rank of Staff Sergeant (SSgt).

APPLICANT CONTENDS THAT:

Although his AF Form 422, *Physical Profile*, says he is required to take the Abdominal Circumference (AC) portion of the Fitness Assessment (FA), he should have been exempt. Therefore, the administrative actions which resulted from him inappropriately taking the AC portion of the FA should be declared void and removed from his records. On 2 Jul 11, he severely injured his lower back and has been in pain ever since. He has two herniated discs pressing against the nerves of his spine. Since his injury, he has not been able to work out and this caused him to fail his FA for the second and third times in his career.

In support of his request, the applicant provides copies of his Chronological Record of Medical Care and Radiological Examination Report.

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

STATEMENT OF FACTS:

The applicant is currently serving on active duty in the grade of Senior Airman (E-4).

On 23 Feb 11, 1 Sep 11, 22 Nov 11, 15 Feb 12, and 15 May 12, the applicant achieved Unsatisfactory scores on annual FAs.

The remaining relevant facts pertaining to this application are described in the letters prepared by the Air Force offices of primary responsibility which are included at Exhibits C and D.

AIR FORCE EVALUATION:

AFPC/DPSIM recommends denial, indicating there is no evidence of an error or injustice. On 21 Mar 12, a memorandum was sent to the applicant requesting copies of the member's AF Form 422 completed by the Military Treatment Facility. The member did not provide the requested documentation.

A complete copy of the AFPC/DPSIM evaluation is at Exhibit C.

AFPC/DPSID recommends denial of the applicant's request to remove the negative documentation in his file that resulted from his FA failures, indicating there is no evidence of an error or injustice. The FA is automatically presumed to be administered fairly and accurately unless evidence to the contrary is provided. The applicant failed to provide any evidence to substantiate his assertion of an invalid test, or that the resulting documentation was not warranted. In regards to the applicant's contention he should have been exempt from the AC portion of the FA, only a competent medical authority has the knowledge and perspective to make such a determination. Further, IAW AFI 36-2905, *Fitness Program*, exemptions for AC components are only granted in specific circumstances, such as pregnancy or abdominal surgery. It is every Airman's responsibility to maintain the standards set forth in AFI 36-2905 for 365 days a year. The applicant's condition did not preclude him from adhering to a healthy diet and proper food portion control scheme. Having a waist measurement of 41 inches at the time of the FA is not physically fit and not in keeping with Air Force standards. The negative documentation in question was completely appropriate and within the regulatory Air Force requirements.

A complete copy of the AFPC/DPSID evaluation is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 18 Sep 12 for review and comment within 30 days. As of this date, no response has been received by this office (Exhibit D).

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
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 AFPC/DPSID and adopt its rationale as the basis for our conclusion the applicant has not been the victim of an error of 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-2012-00811 in Executive Session on 31 Oct 12, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 27 Dec 11, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSIM, dated 24 Jul 12, w/atch.
- Exhibit D. Letter, AFPC/DPSID, dated 11 Aug 12.
- Exhibit E. Letter, SAF/MRBR, dated 18 Sep 12.

Panel Chair