

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00902

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His records be corrected to reflect that he was retired for physical disability due to his post-traumatic stress disorder (PTSD).

APPLICANT CONTENDS THAT:

The Department of Veterans Affairs (DVA) has rated him at 50 percent for his PTSD. His record is unjust in that it does not reflect his PTSD and associated medications required for the wounded warrior program.

In support of his request, the applicant provides copies of excerpts from his medical records and e-mail correspondence related to his eligibility for the wounded warrior program.

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

STATEMENT OF FACTS:

The applicant served in the Air National Guard (ANG) in the grade of lieutenant colonel (O-5) as a dentist during the matter under review.

According to the applicant's military personnel records, he was ordered to active duty in support of Operation IRAQI FREEDOM on 11 May 05 and served on active duty until he was released on 15 Oct 05.

On 1 Oct 07, the applicant was discharged from the ANG as a result of applying for a conditional release. He was credited with 21 years, 2 months, and 17 days of total reserve service, which included 1 year, 1 month, and 24 days of total active service.

The applicant continued his service in the Air Force Reserve as a dentist assigned to an Air Force Reserve unit until his voluntary transfer to the Individual Ready Reserve on 1 Oct 09.

According to records obtained from the DVA, the applicant was granted a compensable disability rating of 50 percent for his PTSD on 8 Apr 11.

The military service disability system, operating under Title 10, United States Code (USC), can only offer compensation for those *service incurred* diseases or injuries which specifically rendered a member unfit for continued active service and were the cause for career termination, and then only for the degree of impairment present at the "snap shot" time of separation and not based on future disease progression. Thus, the mere presence of a medical condition during military service does not automatically constitute a basis for a disability separation or retirement.

On the other hand, the DVA disability system, operating under Title 38, USC, takes into account physical conditions that, although not unfitting at the time of separation, may later progress in severity and alter the individual's lifestyle and future employability. With this in mind, Title 38, USC, provides the DVA authority to award compensation ratings for conditions that were not unfitting for military service at the time of separation.

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 error or injustice. It appears the applicant believes the DVA's decision to award him a 50 percent disability rating for post-traumatic stress disorder (PTSD) substantiates that he should have been retired for physical disability due to said diagnosis. However, after a thorough review of the evidence of record and the applicant's complete submission, we are not persuaded that he should have been found unfit for continued military service and furnished a disability separation. In this respect, we note the military service disability system can only offer compensation for those service incurred diseases or injuries which specifically rendered a member unfit for continued military service and were the cause for career termination. However, other than his own assertions, the applicant has not provided sufficient evidence that his medical conditions, while service related according to the DVA,

rendered him unfit for continued military service. He has provided no evidence to indicate that his PTSD precluded him from performing his military service and should have, therefore, been the basis of a finding that he was unfit. 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-2012-00902 in Executive Session on 20 Dec 12, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 21 Feb 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.

Panel Chair