

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01021
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

1. He be placed on Medical continuation orders beginning 23 Jan 2011 to an unspecified future date.
 2. He be given back pay and retirement points beginning 23 Jan 2011 to an unspecified future date.
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APPLICANT CONTENDS THAT:

He was on military personnel appropriation (MPA) orders from 23 Nov 2010 to 22 Jan 2011 for a temporary duty (TDY) assignment to Kunsan AB, Korea.

His orders should have continued for medical treatment of the injuries he incurred during his TDY to Korea.

A medical hold was not processed and his orders ended on 28 Jan 2011. He had to use sick leave and vacation time from his civilian job since he could not return to work due to his injuries.

All requested steps were completed and he still did not receive care until he received a Line of Duty (LOD) determination. He is still on a profile and not worldwide deployable.

In support of his request the applicant provides copies of VA Form 10-5345, *Request for and Authorization to Release Medical Records or Health Information*; and AF Forms 938, *Request and Authorization for Active Duty Training/Active Duty Tour*.

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

STATEMENT OF FACTS:

According to AFMOA/SGHI, the applicant was on MPA orders from 23 Nov 2010 to 22 Jan 2011 for a TDY to Kunsan AB, Korea from his unit of assignment, the 482 Aircraft Maintenance Squadron, Homestead AFB, FL.

The remaining relevant facts pertaining to this application, extracted from the applicant's military records, are contained

in the letters prepared by the appropriate office of the Air Force at Exhibits B and E.

AIR FORCE EVALUATION:

AFMOA/SGHI recommends denial. SGHI states there were no notes provided to show that the applicant followed up with his Primary Care Manager (PCM) or what the prescribed treatment plan would have been at the time of his return. He was not continued on orders even though there was a draft Reserve Personnel Appropriation (RPA) order for Medical Hold provided from 23 Jan 2011 until 12 Apr 2011. SGHI recommends request for back pay and points be denied since there was no follow up treatment plan provided to show what kind of treatment he had to undergo once he returned to home station

The complete SGHI evaluation is at Exhibit B.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant stated that he was under a physician's care and treatment is ongoing. In a subsequent electronic communiqué he provided medical documentation regarding his treatment plan.

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

ADDITIONAL AIR FORCE EVALUATION:

AFMOA/SGHI recommends denial. SGHI states there is no information in the Command Man-day Allocation System (CMAS) to validate orders for continuation on active duty and there is no clear treatment plan.

A CMAS extension request was submitted on 31 Jan 2011 to the gaining MAJCOM for 46 days. Request Notes were submitted by the applicant's Wing, indicating that the request is "only a stop gap measure until they have approval for Medical CMAS Orders." This request was submitted on 19 May 2011 and declined by AFRC/SGPA on 20 May 2011, because "member is not profiled as a code "31 or 37 with mobility restrictions." AF Form 469, *Duty Limiting Condition Report*, was initiated on 5 Jan 2011, and not coded as "31" or "37." A new AF Form 469 was initiated on 5 Feb 2011 and completed on 5 Mar 2011. An informal LOD was not initiated until 11 Mar 2011 and not completed and signed by the Wing Appointing Authority, until 12 Apr 2011. It appears this CMAS request was not resubmitted.

Without submission of a CMAS request, the AFMOA/MEDCON division is unable to validate orders for continuation on active duty.

Medical notes submitted by the applicant do show treatment from 7-25 Apr 2011 for radiology testing, Occupational Therapy (OT) evaluation and a doctor's appointment. However SGHI is unable to determine the frequency and duration of the OT treatment plan.

The complete SGHI evaluation is at Exhibit E.

APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION:

The applicant provided an appointment schedule and extracts from his medical records.

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

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. 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 the Air Force office of primary responsibility (OPR) and adopt its rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice. In this regard, we note that the Air Force office of primary responsibility has advised they cannot make a definitive determination of the applicant's requests since there is no information in the CMAS to validate orders for continuation on active duty and they are unable to determine the frequency and duration of his OT treatment plan. While the additional documents submitted in support of his appeal are noted, we do not find the evidence sufficiently persuasive to override the rationale provided by the Air Force OPR. Therefore, in view of the above, and 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 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 this application in Executive Session on 29 Nov 2012, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 11 Feb 2012, w/atchs.
- Exhibit B. Letter, AFMOA/SGHI, dated 3 May 2012.
- Exhibit C. Letter, SAF/MRBR, dated 4 Jun 2012.
- Exhibit D. Letter, Applicant, undated.
- Exhibit E. Letter, AFMOA/SGHI, 13 Sep 2012.
- Exhibit F. Letter, AFBCMR, dated 18 Sep 2012.
- Exhibit G. Letter, AFBCMR, undated.

Panel Chair