

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01088

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His records be corrected to reflect he remained on active duty orders for the period 30 Jun 10 through 20 Mar 11.

APPLICANT CONTENDS THAT:

He was injured during his deployment to Iraq and was removed from orders before his medical issue was resolved.

In support of his appeal, the applicant provides a copy of AFRC Form 348, *Informal Line of Duty Determination*, AF Form 469, *Duty Limiting Condition Report*, AF Form 938, *Request for Authorization for Active Duty Training/Active Duty Tour*, AF Form 22, *Qualification of Air Force Member's Qualification Status*.

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

STATEMENT OF FACTS:

The applicant is currently serving in the Air Force Reserve.

On 5 Jan 10, the applicant commenced a tour of active duty of 169 days in support of Operation IRAQI FREEDOM. His initial orders were extended and he was released from active duty on 29 Jun 10.

On 10 Jul 10, two Informal Line of Duty Determinations (LOD) were initiated for injuries the applicant sustained to his back while deployed to Iraq. Both ILODs concurred the injury was in the LOD. On 3 Sep 10 and 9 Sep 10, respectively, the appointing authority found the applicant's injuries to be in the LOD.

On 21 Mar 11, the applicant commenced a tour of voluntary active duty of 35 days for a surgical procedure and hospitalization related to his LOD injuries. His orders were subsequently extended several times until he was finally released from active duty on 24 Feb 12 when he was cleared to return to duty.

The remaining relevant facts pertaining to this application are contained in the letter prepared by the appropriate office of the Air Force, which is attached at Exhibits C.

AIR FORCE EVALUATION:

AFMOA/SGHI recommends denial noting the applicant did not meet MEDCON eligibility requirements until the date of his surgery. No determination of eligibility can be made prior to the date of the Command Man-Day Allocation System (CMAS) request, as no documentation was ever provided. The applicant's DLC and LOD were initiated after his orders ended. The CMAS request was submitted on 28 Dec 12; however, after multiple declinations at AFRC, MEDCON and AlMO his case was allocated on 11 Mar 11 with a start date of 21 Mar 11.

The CMAS indicates the initial diagnostics were returned normal; however, additional tests were ordered, but there is no record of completion or results being provided. At time of allocation it was determined conservative treatment failed and surgical intervention was required.

Per SAF/MR Memo, 9 Dec 11, section "b. Medical Continuation, Eligibility for Medical continuation, the ARC member will be eligible for Medical Continuation orders when an injury, illness, or disease is incurred or aggravated while serving on active duty and that condition renders the member unable to perform military duties." It further states in this same section, "Not all conditions that restrict deployment or mobility constitute eligibility for medical continuation."

Once the Air Reserve Component (ARC) service members are demobilized they are eligible for the Transition Assistance Management Program (TAMP), a 180-day period of health benefits, beginning on the sponsor's separation. Once the LOD's were completed, service member was eligible for care for those two conditions through Military Medical Support Office (MMSO). Eligibility is based on the completed service approved LOD injury, illness or disease. Incapacitation pay is a third venue the applicant could have been eligible for. Service members are eligible for this benefit if they are able to perform their military duties but unable to perform their civilian duties.

The AFMOA/SGHI complete 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 8 May 12, for review and comment within 30 days (Exhibit D). As of this date, no response has been received by this office.

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 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. While the evidence of record indicates the applicant was placed on active duty for the purpose of medical treatment and recuperation, there is no evidence that said injury rendered him unfit for the duties of his office and/or grade during the requested period or caused the applicant any loss of earnings during this period as he contends. Therefore, in the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.
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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-2012-01088 in Executive Session on 13 Dec 12, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-01088 was considered:

- Exhibit A. DD Form 149, dated 16 Mar 12, w/atchs.
- Exhibit B. Applicant's Military Personnel Records.
- Exhibit C. Letter, AFMOA/SGHI, dated 4 May 12, w/atch
- Exhibit D. Letter, SAF/MRBR, dated 8 May 12.

Panel Chair