

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBERS: BC-2012-01097
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

Her physical Fitness Assessment (FA), dated 29 November 2011, be removed from her records.

APPLICANT CONTENDS THAT:

The contested FA is invalid because it was not administered in accordance with AFI 36-2905.

She was on a medical profile from 12 October 2011 to 26 November 2011, which prevented her from performing high impact activities or running more than 100 yards. In accordance with Air Force Instruction (AFI) 36-2905, dated 1 July 2010, paragraph 4.2.2.3, "The expiration date represents the date the member is medically cleared to resume physical activities previously restricted. Members will be eligible for FA 42 days after the expiration date of physical limitations, as annotated on Air Force (AF) Form 469. This allows time for reconditioning, if exempted for greater than 30 days." Therefore, she was not eligible for testing until 7 January 2012. However, she was required to be tested on all FA components on 29 November 2011; just three days after her duty limiting conditions expired.

In support of her appeal, the applicant provides copies of her Air Force Fitness Management printout; an example of the Fitness Screening Questionnaire; her AF Form 469, *Duty Condition Limiting Report*; her AF Form 422, *Notification of Air Force Member's Qualification Status*; United States Court of Appeals case 717F.2d 1170, *Bahramizadeh versus United States*; Commander's letter of support; and excerpts of AFI 36-2905.

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

STATEMENT OF FACTS:

The applicant is currently a member of the Regular Air Force serving in the grade of master sergeant (E-7). Her FA for 29 November 2011 reflects an unsatisfactory fitness level in the Air Force Fitness Management System (AFFMS). The applicant's record also reflects she scored unsatisfactory ratings for her FAs dated 27 February 2012 and 31 January 2011.

The remaining relevant facts, extracted from the applicant's military service record, are contained in the evaluation provided by the Air Force office of primary responsibility at Exhibit B.

AIR FORCE EVALUATION:

AFPC/DPSIM recommends the cardio component of the applicant's FA, dated 29 November 2011, be updated to reflect "exempt" in AFFMS. The applicant was on profile from 12 October 2011 through 26 November 2011 that exempted her from the 1.5 mile run. However, she was cleared for all other components of the FA. Nevertheless, she should have been allowed 42 days of re-conditioning for the cardio component of the FA.

The applicant tested on 29 November 2011 for all four components of the FA. She scored 36.70 points for the cardio component, 11.80 points due to a waist measurement of 36, 10 points for push-up component for completing 46 push-ups, and 9.50 points for the sit-up component for completing 43 sit-ups. The applicant did not meet the minimum component for abdominal circumference measurement. Even with their recommended change, the applicant would still score an unsatisfactory fitness level due to her not meeting the minimum requirement for the abdominal circumference component.

The complete DPSIM evaluation is at Exhibit B.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

In accordance with AFI 36-2603, *Air Force Board for Corrections of Military Records*, "If an airman believes the administration of his/her FA or FA score was in error or unjust, he/she may submit an application for correction of military records to the AFBCMR. It is significant that the drafters of the AFI expressively give the AFBCMR the authority to remove FA scores but does not give anyone the authority to alter FA scores. Therefore, the disputed score must be removed if it was in error.

The applicant's complete rebuttal, with attachment, is at 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. Sufficient relevant evidence has been presented to demonstrate the existence of error or injustice requiring partial relief. We note that AFPC/DPSIM recommends the cardio component of the applicant's FA, dated 29 November 2011, be corrected to reflect "exempt" in the AFFMS due to the fact that she should have been allowed 42 days of re-conditioning for that portion of the FA. We agree with their recommendation. We took notice of the applicant's request to have the entire FA removed; however, she was cleared for all other components of the FA and do not find any evidence to support removing the entire test. Therefore, based on the foregoing, we concur with the recommendation of AFPC/DPSIM, and adopt its rationale as the basis for our decision. Although the applicant opines the governing AFI does not give anyone the authority to alter FA scores, in accordance with 10 USC § 1552, this Board may correct a record in any matter it sees fit in order to correct an error or to remove an injustice. Accordingly, we recommend the applicant's record be corrected as indicated below.

THE BOARD DETERMINES THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that the cardio component of her Fitness Assessment, dated 29 November 2011, be amended to reflect "exempt" in the Air Force Fitness Management System.

The following members of the Board considered this application in Executive Session on 25 October 2012, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

All members voted to correct the records, as recommended. The following documentary evidence for AFBCMR Docket Number BC-2012-01097 was considered:

- Exhibit A. DD Form 149, dated 21 Mar 12, with atchs.
- Exhibit B. Letter, AFPC/DPSIM, dated 9 Apr 12.
- Exhibit C. Letter, SAF/MRBR, dated 17 Apr 12.
- Exhibit D. Letter, Applicant, dated 30 Apr 12.

Panel Chair