

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01239  
COUNSEL: NONE  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His Informal Line of Duty (LOD) Determination, dated 26 April 2006, for his left knee injury be corrected to include his head and neck injury.

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APPLICANT CONTENDS THAT:

He sustained a cervical and lumbar spine injury during the same fall in which he sustained his left knee injury.

In support of his appeal, the applicant provides copies of his Informal LOD Determination and supporting medical documentation.

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

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STATEMENT OF FACTS:

The applicant is a former member of the United States Air Force Reserve (USAFR) who was transferred to the Retired Reserve in the grade of master sergeant (E-7). According to medical documents provided by the applicant, he sustained a left knee injury on 16 March 2006 while performing C-130 crew duties in the cargo compartment of his aircraft. It is noted on his Informal LOD Determination that "he felt his [left] knee give out" followed by a sharp pain in the knee. He fell to the floor of the cargo compartment and was helped into a troop seat by the second loadmaster. The injury to his left knee was a recurrence of a previous injury. He subsequently had surgery on the knee on 13 April 2006 and the prognosis was for a complete recovery.

On 5 May 2006, it was determined the applicant's injury was found to be in the line of duty. The appointing authority's decision, dated 5 June 2006, indicates the applicant's condition existed prior to service (EPTS), but was service aggravated.

The remaining relevant facts, extracted from the applicant military service records, are contained in the evaluation

prepared by the Air Force office of primary responsibility at Exhibit B.

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AIR FORCE EVALUATION:

AFRC/SG recommends denial. SG states that documents from a civilian orthopedics provider acknowledged the applicant sustained a "jammed neck." However, although an LOD for cervical strain should have been accomplished in 2006, it would have been for self-limited cervical strain. The silence in the medical record and the follow-on examinations to include radiographic studies, demonstrate no permanent injury. The degenerative disease process of the applicant's cervical spine would have been found EPTS/LOD not applicable. There is no evidence of permanent injury or permanent worsening of longstanding chronic degenerative changes.

The complete SG evaluation is at Exhibit B.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The facts remain that he sustained a fall on a C-130 aircraft while serving on active duty. He did report to the clinic and there was clinical documentation indicating he had head and neck injuries. These injuries should have been included in the LOD determination since it had been reported and documented. His injuries have been devastating and has caused years of pain and suffering. Being found "fit for duty" does not mean that there were not unresolved injuries. He can no longer work and is currently on Social Security disability as a result of these injuries. The error of his LOD not including his cervical injury is unjust as the medical evidence shows residual conditions continue.

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

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THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.
3. Insufficient relevant evidence has been presented to demonstrate the existence of an error or an 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 the applicant has not been the victim of an error or injustice. 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 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.

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The following members of the Board considered AFBCMR Docket Number BC-2012-01239 in Executive Session on 14 November 2012, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence was considered for AFBCMR Docket Number BC-2012-01239:

- Exhibit A. DD Form 149, dated 3 Mar 12, w/atchs.
- Exhibit B. Letter, AFRC/SG, dated 22 May 12.
- Exhibit C. Letter, SAF/MRBR, dated 24 May 12.
- Exhibit D. Letter, Applicant, dated 4 Jun 12, w/atchs.

Panel Chair