

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01267

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

The results of his fitness assessment (FA) dated 5 Nov 11 be removed from the Air Force Fitness Management System (AFFMS).

APPLICANT CONTENDS THAT:

He injured his knee, but circumstances beyond his control prevented him getting medically excused from participating in the contested FA. He was unable to see the military doctor or his primary care provider (PCP) until after the FA and when his doctor found fluid on his knee and immediately directed him not to run for six months and to attend rehab.

In support of his appeal, the applicant provides copies of an Air Force Form 469, *Duty Limiting Condition Report*, and a note from his PCP indicating no running and rehab,

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

STATEMENT OF FACTS:

The applicant currently serves in the Air Force Reserve in the grade of staff sergeant (E-5).

On 5 Nov 11, the applicant participated in the contested FA where he attained a rating of unsatisfactory.

On 3 Dec 11, the applicant was issued an AF Form 469, *Duty Limiting Condition Report*, which precluded him from running or prolonged walking. The form also indicated he had been referred to an exercise physiologist. The AF Form 469 excused him from running for the period 3 Dec 11 through 2 Mar 12.

On 11 Feb 12, the applicant participated in a FA where he was exempt from the cardio portion of the assessment in accordance with his duty limiting condition report and attained a satisfactory rating.

AIR FORCE EVALUATION:

AFPC/DPSIM recommends denial, indicating the applicant has not provided an AF Form 108 that indicates he had a medical condition that precluded him from passing the contested FA. The applicant states that he was injured from enrolling himself in a running improvement class to improve his run time from his last failure, but was not able to get his condition validated until the January unit training assembly (UTA), well after the his failure of the contested FA. His provider stated that he had fluid on his knee. APPLICANT was placed on a no running profile for 6 months.

A complete copy of the AFPC/DPSIM evaluation is at Exhibit B.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant responded to the DPSIM advisory opinion by providing a copy of an AF Form 108 which was issued subsequent to the contested FA. The DPSIM opinion noted the applicant had not provided an AF Form 108 prior to his Nov 11 FA that would have excused him from the FA.

The applicant's complete response is at Exhibit D.

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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 and adopt its rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice. While the applicant contends that he sustained an injury that precluded him from receiving a fair fitness assessment, and he has provided documentation indicting that he was placed on restrictions subsequent to the contested FA, we are not convinced the predicament the applicant finds himself in is the result of an error on the part of the Air Force. In this respect, we note that by the applicant's own admission, he did not attend the October 11 unit training assembly (UTA) where he could have taken measures to

pursue said restrictions in advance of the contested FA. 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-2012-01267 in Executive Session on 28 Sep 12, under the provisions of AFI 36-2603:

Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 13 Mar 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSIM, dated 24 Apr 12.
- Exhibit D. Letter, SAF/MRBR, dated 27 Apr 12.
- Exhibit E. Letter, Applicant, dated 23 May 12, w/atchs.

Panel Chair