

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01438

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His administrative separation be changed to a medical discharge.

APPLICANT CONTENDS THAT:

He was diagnosed with a "Bipolar disorder," in Oct 08, and believes he should have been medically discharged. He was seen by mental health providers on two occasions and was told that he would be recommended for separation. Following his discharge, the Department of Veterans Affairs (DVA) rated him at 30 percent.

He was never given an option to be evaluated by a Medical Evaluation Board/Physical Evaluation Board (MEB/PEB) with processing through the Disability Evaluation System (DES).

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

On 10 Feb 09, the applicant was honorably discharged, with a reason for separation of "conditions not disability." He was credited with 1 year, 10 months and 14 days of active duty service.

THE AIR FORCE EVALUATION:

AFPC/DPSOR recommends denial, stating, in part, that based on the documentation on file in the master personnel records, the discharge, to include his character of service, was consistent with the procedural and substantive requirements of the discharge instruction and was within the discretion of the discharge authority. The applicant did not provide any evidence of an error or injustice that occurred in the discharge processing that warrants a change to his narrative reason for separation.

They did not find sufficient evidence contained within the applicant's military record to confirm the circumstances and facts surrounding his discharge. Absent evidence to the

contrary, there is a presumption of regularity in which the applicant was afforded due process and the discharge was consistent with procedural and substantive requirements of the discharge regulation. The applicant's service characterization is correct as reflected on his DD Form 214.

The complete DPSOR evaluation is at Exhibit C.

APPLICANT'S REVIEW OF THE AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 9 Oct 12 for review and comment within 30 days. As of this date, no response has been received by this office (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. 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 Air Force office of primary responsibility that based on the governing directives in effect at the time of the applicant's separation, it appears that Air Force officials acted within established regulatory parameters in administratively releasing the applicant from military service. In addition, we note the Military Disability Evaluation System (MDES) only offers compensation for the medical condition that is the cause for career termination and then only to the degree of impairment present at the time of final disposition or military separation. Conversely, the Department of Veterans Affairs (DVA) operates under a separate set of laws which take into account the fact that a person can acquire physical conditions during military service that, although not unfitting at the time of separation, may later progress in severity and alter the individual's lifestyle and future employability. While we note the applicant asserts that he was not provided appropriate medical evaluation at the time of separation, based on the available documentation, we do not find the evidence sufficient to establish that he was the victim of an error or injustice. Consequently, 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 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-2012-01438 in Executive Session on 29 November 2012, under the provisions of AFI 36-2603:

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 30 Jun 12, w/atchs.
- Exhibit B. Available Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSOR, dated 26 Sep 12.
- Exhibit D. Letter, SAF/MRBR, dated 9 Oct 12.

Panel Chair