

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02227
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His Fitness Assessment (FA) dated 2 Jun 2011 be removed from the Air Force Fitness Management System (AFFMS).

APPLICANT CONTENDS THAT:

On 2 Jun 2011, he was directed to complete the one mile component of his FA in accordance with his AF Form 422, *Notification of Air Force Member's Qualification Status*, dated 25 May 2011. However, the "Profile Officer Review" block was not executed by a flight surgeon as required per AFI 10-203, *Duty Limiting Conditions*, and should be invalid. His medical records reflect, "Patient states the pain is sharp and hinders walking over prolonged period of time." His AF Form 469, *Duty Limiting Report*, states "No repetitive high impact for lower extremity." The AF Form 469 is not signed by the Profile Officer.

In support of his request, the applicant provides copies of his AF Forms 422, AF Forms 469, extracts from numerous Air Force Instructions (AFI), from his medical records, the Inspector General (IG) Compliance Inspection and various other documents associated with his request.

His complete submission, with attachments, is at Exhibit A.

STATEMENT OF FACTS:

The applicant is currently serving in the Regular Air Force in the grade of staff sergeant (SSgt, E-5).

The remaining relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the letter prepared by the appropriate office of the Air Force at Exhibit B.

THE AIR FORCE EVALUATION:

AFPC/DPSIM recommends approval. DPSIM states the AF Form 422 and AF Form 469 were not in compliance and therefore are not valid. It should be noted that the applicant's Area Defense Counsel (ADC) contacted the Flight Surgeon who stated he would not have recommended the member complete the one mile walk due to his injury.

In a revised advisory dated 16 Aug 12, DPSIM recommends denial. DPSIM states that per AFI 36-2905, *Air Force Fitness Program*, and AFI 10-203, the applicant's AF Form 422 and AF Form 469 were not in compliance; however, in accordance with a 325 FW/JA Memorandum, dated 3 Aug 2012, the AF Form 469 dated 24 May 2011 and AF Form 422 dated 25 May 2011 underwent an independent Profile Officer Review and all profile officers unanimously agreed that the AF Form 422 dated 25 May 2011 accurately restricted him from the running component of the FA, however he was cleared for the walk component of the FA.

The complete DPSIM evaluations are at Exhibit B.

APPLICANT'S REVIEW OF THE AIR FORCE EVALUATION:

On 16 Jul 2012, DPSIM recommended that his FA dated 2 Jun 2011 be removed from the AFFMS because the Air Force failed to comply with its own instructions regarding AF Form 422 processing. He also noted the defense paralegal's affidavit wherein the flight surgeon who assessed him in May 2011 said he probably would not have recommended that he complete the one mile walk during the FA.

Additionally, his health record substantiates the fact that he was limping the day of his visit, which clearly indicates an injury impairing his ability to perform the walk component of the FA. His medical record places the validity of both the AF Form 469 and the AF Form 422 into question.

He asserts the 325 FW/JA Memorandum, dated 3 Aug 2012, and the revised DPSIM advisory opinion, dated 16 Aug 2012 recommending denial of his request are not compelling. Neither Lt Col Y--, Capt D--, nor Capt S-- evaluated him in May 2011. Had the profile officer reviewed the AF Form 422 in May 2011 as required per AFI 10-203, he could have asked questions about the profile back in May 2011. This review cannot be re-accomplished today,

almost a year and a half later. This is the Medical Group's attempt to "fix" their procedural error 15 months after the fact. This is wrong and it does not change the fact that when he went to the doctor in May 2011, he was limping and it hurt to walk, which is reflected in his medical records.

The applicant's complete response, 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 an error or injustice warranting partial relief. We note the OPR initially recommended approval stating the AF Form 422 and AF Form 469 were not rendered in compliance with the governing AFI and therefore are not valid. In a revised advisory, the OPR now states the aforementioned forms underwent an independent profile review and all profile officers unanimously agreed the AF Form 422, dated 25 May 2011 accurately restricted the applicant from the running component of the FA but cleared him for the walk component. Although the OPR recommends his case be denied based on an independent review conducted over a year later, we find the evidence in this case sufficient to conclude the AF Form 422 and AF Form 469 were not rendered in compliance with AFI 10-203. While we note the applicant requests the entire FA dated 2 Jun 11, be removed, we believe the more appropriate remedy is to only remove the cardio portion, which will still result in an unsatisfactory score of 68.75. In view of the above, we recommend his records be corrected as indicated below.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that the cardio component of his FA dated 2 Jun 2011 reflect "exempt" in the AFFMS.

The following members of the Board considered this application in Executive Session on 20 Dec 2012, under the provisions of AFI 36-2603:

, Panel Chair
, Member
, Member

All members voted to correct the record as recommended. The following documentary evidence pertaining to Docket number BC-2012-02227 was considered:

- Exhibit A. DD Form 149, dated 18 May 2012, w/atchs.
- Exhibit B. Letter, AFPC/DPSIM, dated 2 Jul 2012, w/atch.
Letter, AFPC/DPSIM, dated 16 Aug 2012, w/atch.
- Exhibit C. Letter, SAF/MRBR, dated 20 Aug 2012.
- Exhibit D. Letter, Applicant, dated 13 Sep 2012.

Panel Chair