

THIRD ADDENDUM TO
RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2004-02769
COUNSEL: NONE
HEARING DESIRED: YES

APPLICANT REQUESTS THAT:

His administrative discharge due to physical disqualification be changed to a medical discharge.

STATEMENT OF FACTS:

A similar appeal was considered and denied by the Board on 7 Jul 10. For an accounting of the facts and circumstances surrounding the applicant's request, and, the rationale of the earlier decision by the Board, see the Second Addendum to Record of Proceedings at Exhibit L.

The applicant provides three DD Forms 149, dated 6 Jun 11, 17 Nov 11, and 20 Feb 12, respectively, with additional documents to support his claim. He believes had a line of duty determination been completed at the time his injury occurred it would have determined that he should have been medically separated.

In support of his request, the applicant provides copies of his medical records; letter from his medical provider, dated 29 Nov 10, with attachments, and other supporting documents.

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

THE BOARD CONCLUDES THAT:

In earlier findings, the Board determined there was insufficient evidence to warrant corrective action. We have reviewed the additional documentation provided by the applicant, including the letter from his medical provider; however, considering this matter again, we do not find that the evidence provided overcomes the rationale expressed in the previous board decisions or that our previous decisions should be reversed. In addition, the applicant is reminded that 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 takes 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. Thus, the two systems represent a continuum of medical care and disability compensation that starts with entry on to active duty and extends for the life of the veteran. In view of the above, we find no basis upon which to recommend favorable consideration of the applicant's request.

4. The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issue(s) involved. Therefore, the request for a hearing is not favorably considered.

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-2004-02769 in Executive Session on 1 Mar 13, under the provisions of AFI 36-2603:

The following documentary evidence was considered:

- Exhibit L. Second Addendum to Record of Proceedings, undated, w/atchs.
- Exhibit M. DD Forms 149, dated 6 Jun 11, 17 Nov 11, and 20 Feb 12, w/atchs.

Panel Chair