

AIR FORCE EVALUATION:

AFPC/DPSDC recommends denial indicating there is no evidence of an error or an injustice. The service member died prior to DVA establishing Coronary Artery Bypass as Agent Orange presumptive condition. Furthermore, CRSC does not have any provision for survivor benefits. The applicant's request does not meet the mandatory criteria for compensation under the CRSC program.

The CRSC program was established to provide compensation certain retirees with combat-related disabilities that qualify under the criteria set form in Title 10, U.S.C., Section 1414a. If the former service member fails to satisfy the preliminary CRSC criteria, no further consideration by their service department is required and the claim will be denied.

Under current CRSC guidelines, the service member is required to meet the following basic eligibility requirements (a) received military retirement pay, (b) have disabilities rated at least 10 percent by DVA, and (c) submit a signed claim for Combat-Related Special Compensation.

In order for a disability to be determined as combat-related, there must be objective documentary evidence that the disability is the direct result of a combat event or events or performance of duty simulating war or caused by hazardous service or an instrumentality of war. In addition, there are other conditions that are considered presumptive of Agent Orange (AO), Radiation, Mustard Gas, or POW internment, by the DVA which qualify for CRSC.

Coronary Artery Bypass has been added to the Agent Orange presumptive list effective 1 November 2010 by the Office of Secretary of Defense (OSD).

The AFPC/DPSDC complete evaluation, with attachment, is at Exhibit B.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 11 May 2012 for review and comment within 30 days (Exhibit D). As of this date, this office has received no response.

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 the recommendation of the Air Force office of primary responsibility and adopt its rationale as the basis for our decision the applicant is not 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.

THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of an 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-2012-01080 in Executive Session on 14 January 2013, under the provisions of AFI 36-2603:

Acting Panel Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 9 March 2012, w/atchs.
- Exhibit B. Letter, AFPC/DPSDC, dated 3 May 2012, w/atch.
- Exhibit C. Letter, SAF/MRBR, dated 11 May 2012.

Acting Panel Chair