

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01712
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His service-connected medical condition, back injury, be assessed as combat-related in order to qualify for compensation under the Combat Related Special Compensation (CRSC) Act.

APPLICANT CONTENDS THAT:

On 6 July 1967, he was ejected from an F-105 aircraft and injured his back.

In support of his request, the applicant provides congressional documentation.

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

STATEMENT OF FACTS:

The applicant retired from the Air Force on 1 October 1970 in the grade of major, having served 20 years and 7 months on active duty.

His CRSC application was disapproved on 15 September 2004 based upon the fact that his service-connected medical condition was determined not to be combat-related.

AIR FORCE EVALUATION:

AFPC/DPSDC recommends denial. DPSDC states documentation provided by the applicant clearly indicates he had documented back problems prior to his aircraft ejection. Furthermore, documentation from the time of the ejection is silent for an injury to his back. Documentation received contained no definitive evidence to confirm this disability was the direct result of a combat-related event. The applicant's condition does not meet the mandatory criteria for compensation under the CRSC program as outlined under the provisions of Title 10 U.S.C.,

Section 1413a. While documentation shows back problems during service, documentation does not confirm applicant's back was injured from his aircraft ejection.

The complete DPSDC's complete evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

On 16 July 2012, the evaluation was forwarded to the applicant 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 error or injustice. The available evidence of record does not support a finding that the service-connected medical condition the applicant believes is combat-related was incurred as the direct result of armed conflict, while engaged in hazardous service, in the performance of duty under conditions simulating war, or through an instrumentality of war; and, therefore, does not qualify for compensation under the CRSC Act. 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 that the applicant has not been the victim of an error or injustice. In the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.
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THE BOARD DETERMINES THAT:

The applicant be notified that 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-2012-01712 in Executive Session on 30 January 2013, under the provisions of AFI 36-2603:

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-01712 was considered:

- Exhibit A. DD Form 149, dated 22 April 2012, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSDC, dated 29 June 2012, w/atchs.
- Exhibit D. Letter, SAF/MRBR, dated 16 July 2012.