

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01911  
COUNSEL: NONE  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

Her reenlistment eligibility (RE) be changed so she may reenter the military.

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APPLICANT CONTENDS THAT:

She was undergoing medical care at the time of her discharge. She had not been given a medical diagnosis and believes the discharge was premature and unjust. At the time she was discharged she had no idea that she was permanently disqualified from reentering a military service. She believes that being pregnant and assigned to such a vigilant unit gave her a false sense of what she could achieve. The medical discharge is a false representation of her service in the Air National Guard (ANG).

Her complete submission, with attachment, is at Exhibit A.

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STATEMENT OF FACTS:

On 16 Sep 04, the applicant was placed on a P-4T profile and remained in that status until she was reissued another profile on 18 Oct 05 that indicated "member is medically disqualified for worldwide duty."

The New York ANG flight surgeon recommended that she be separated from the military because of multiple medical problems that precluded her from performing her military duties; plus she failed to provide updated medical information since 29 Dec 04.

The applicant submitted copies of medical documents from the Veterans Affairs (VA) Medical Center, Syracuse, NY, reflecting evaluation and treatment of some medical conditions, to include migraine headaches, a urological and gynecological condition, and swelling of hands and feet.

The applicant had several significant medical problems, to include obesity - morbid; headaches migraine episodic at time requiring narcotics for relief; and menstrual bleeding under evaluation. She was recommended to be separated from service because her physician did not feel that she could perform her duties to include being worldwide qualified.

On 19 Oct 05, entry in the applicant's medical records states, "Spoke with member regarding her WWD status. Member states she would be sending info to include in her package..." There are no documents relating to a line of duty determination that would indicate that she should have been processed by a Medical Evaluation Board (MEB) as a compensable medical condition under the governing instructions.

The remaining relevant facts pertaining to this application are contained in the letters prepared by the appropriate offices of the Air Force, which are at Exhibit C, D, and E.

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AIR FORCE EVALUATION:

NGB/A1PP recommends denial and states that the applicant's RE of "Ineligible" identifies her as being medically disqualified to perform duties of the member's office, grade, or rank because of disease or injury. They recommend the National Guard Bureau Surgeon General's office review this case to obtain a determination as to whether the member's medical condition is a permanent disqualification for reentry into the military.

The complete A1PP evaluation is at Exhibit C.

NGB/SGPF recommends denial and states that the applicant has not provided any new medical documentation for review and consideration. SGPF notes that SG is not the authority for changing RE codes and they did not receive an appeal of the 2005 medical disqualification for worldwide duty, or any requests for this member to be retained in an Assignment Limitation Code (ALC-C). However, SGPF is willing to consider reentry into the ANG upon review of a current physical exam for military entrance, to determine if a waiver can be considered for the applicant's previously disqualifying medical history.

The complete SGPF evaluation is at Exhibit D.

NGB/A1PP provides an additional advisory stating that it was determined the applicant was separated due to on-going medical problems and failure to provide additional medical documentation to update her medical preparedness status. They also determined that her discharge was accomplished in accordance with Air Force policies and procedures, and there is no evidence that shows an error or injustice has occurred.

The complete A1PP evaluation is at Exhibit E.

NGB/A1P concurs with the subject matter expert advisory and recommends relief not be granted based on the Air Force policy and supporting documentation provided by NGB/SGPF.

The complete A1PP evaluation is at Exhibit F.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 20 Dec 12 for review and comment within 30 days. As of this date, this office has received no response.

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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. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinion and recommendation of the National Guard Bureau offices of primary responsibility and adopt their rationale as the basis for our conclusion that the applicant has not been 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.

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THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

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The following members of the Board considered AFBCMR Docket Number BC-2012-01911 in Executive Session on 21 Feb 13, under the provisions of AFI 36-2603:

, Chair  
, Member  
, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 15 Mar 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, NGB/A1PP, dated 30 Aug 13.
- Exhibit D. Letter, NGB/SGPF, dated 17 Dec 12.
- Exhibit E. Letter, NGB/A1PP, dated 17 Dec 12.
- Exhibit F. Letter, NGB/A1P, dated 19 Dec 12.
- Exhibit G. Letter, SAF/MRBR, dated 20 Dec 12.

Chair