

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02784
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His reentry (RE) code of 2Q, which denotes "Personnel medically retired or discharged," be changed to RE-1 {sic}, so he may reenter into the military, or in the alternative, his RE code be changed to 3K, which denotes "Reserved for use by AFPC or the Air Force Board for Corrections of Military Records."

APPLICANT CONTENDS THAT:

His discharge was improperly conducted. The reason for discharge no longer applies and is unjust. In this respect, he contends the following:

1. He had a seizure while attending technical training school. Several tests to include an electroencephalogram (EEG), Magnetic Resonance Imaging (MRI) and computerized axial tomography (CAT) scan were done; even though no abnormalities were found he was still discharged.
2. He does not have a history of seizures; he has not had one since being discharged; he does not take any medication; or require special assistance.
3. Medical qualification standards state that after five years of being "seizure free" he qualifies for reenlistment.
4. He meets the necessary medical requirements for reentry.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

On 13 Jun 05, the applicant enlisted in the Air Force Reserves (USAFR).

On 11 Sep 05, the applicant reported to the emergency room (ER) with complaint of a seizure as witnessed by his wife. On 26 Jan 06, a Line of Duty (LOD) determination was initiated because of the seizure. On 31 Jan 06, the applicant's disease

was determined to have Existed Prior to Service (EPTS)-LOD Not Applicable (N/A).

On 25 May 06, the applicant was discharged with service characterized as honorable with a disability that existed prior to service. He served 11 months and 13 days in the USAFR.

AIR FORCE EVALUATION:

AFRC/A1K recommends denial. A1K states the applicant's record reflects he was discharged from the USAFR for a disability that existed-prior-to-service (EPTS).

A1K states the applicant has not provided any documentation to discount or substantiate the finding was inaccurate.

The complete A1K evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

By undated letter, the applicant reiterates his original contentions.

In further support of his appeal, the applicant provides a personal statement and a letter from his doctor.

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

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 Air Force office of primary responsibility and adopt its rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice. The statement provided by his physician that he has not had a seizure while under his care is noted; however, the applicant has failed to demonstrate that he meets all the criteria reflected in the Department of Defense Instruction (DoDI) 6130.03, *Medical*

Standards for Appointment, Enlistment, or Induction in the Military Services for reentry. Specifically, there is no evidence that he has been free of seizures for a period of five years while taking no medication for seizure control, and has had a normal sleep-deprived electroencephalogram and normal neurology evaluation while taking no medications for seizure control. In view of the above, we conclude the applicant has not provided substantial evidence to warrant disturbing the record. Should the applicant provide this information, we would be willing to reconsider his request. 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 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.

The following members of the Board considered Docket Number BC-2012-02784 in Executive Session on 19 Mar 13, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 25 Jun 12.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, ARPC/A1K, dated 14 Aug 12
- Exhibit D. Letter, SAF/MRBR, dated 27 Aug 12.
- Exhibit E. Letters, Applicant, undated, w/atc.

Panel Chair