

FEB 09 1998

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-00726

COUNSEL: NONE

HEARING DESIRED: NO

Applicant requests that his records be corrected to reflect that he was medically retired, with entitlements to retired benefits and privileges. Applicant's submission is at Exhibit A.

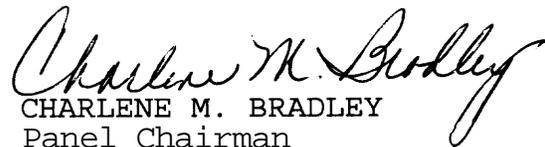
The appropriate Air Force offices evaluated applicant's request and provided advisory opinions to the Board recommending the application be denied (Exhibit C). The advisory opinions were forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinions appear to be based on the evidence of record and have not been rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Ms. Charlene M. Bradley, Mr. Richard A. Peterson, and Mr. Henry Romo, Jr., considered this application on 27 Jan 98 in accordance with the provisions of Air Force Instruction 36-2603 and the governing statute, 10 U.S.C. 1552.


CHARLENE M. BRADLEY
Panel Chairman

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinions
- D. SAF/MIBR Ltr Forwarding Advisory Opinions



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS



23 July, 1997

MEMORANDUM FOR SAF/MIBR

FROM: HQ AFPC/DPPAT
550 C Street West, Ste 10
Randolph AFB TX 78150-4712

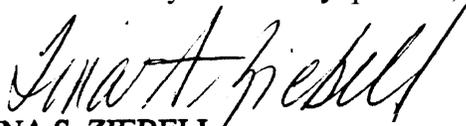
SUBJECT: Application for Correction of Military Records [REDACTED]

The applicant **asks** to be placed on the retired list **because** a reading disorder prevented **him** from **making** rank and attaining retirement. He indicates he asked to be tested orally on **his** promotion tests but **was informed** oral test administration **was** not allowed.

We recommend denial of the applicant's request. The only documentation provided by the applicant to support **his** request is an **undated** letter apparently signed by the commandant of **an Air** Force school. The document refers to the applicant's poor reading skills. There is no documentation showing the applicant requested help for **his** problem. Additionally, there is no documentation in **his** application or in **our** files concerning **his** request to be tested orally.

Requests for alternative test administration methods require approval **from our** office. Our decisions are based on the documentation provided and opinions of **our** medical and legal staffs. Absent medical documentation of the applicant's **alleged** disability while on active-duty, a formal **evaluation** cannot be completed. Accordingly, we must recommend denial of the applicant's request.

Please call MSgt Rush or myself at **DSN 487-2265** if you have **any** questions.


TINA S. ZIEBELL
Chief, Education, Training, and Testing Br

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DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS

10 Sep 97



MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPRSO
550 C Street West, Suite 11
Randolph AFB TX 78150-4713

SUBJECT: Application for Correction of Military Records [REDACTED]

Requested Action. The applicant is requesting his records be corrected to reflect he medically retired from the Air Force with all entitled benefits and privileges. Applicant states he deserves to be listed as retired since he planned to stay in the military until time to retire.

Basis for Request. Applicant feels his reading disability prevented him from testing well and the military knew of this disability and did nothing to help.

Facts.

- a. Applicant enlisted into the Air Force on 13 Mar 86 for 4 years, with a projected date of separation (DOS) of 12 Mar 90.
- b. On 28 Feb 89, applicant applied for a career job reservation (CJR) with an expiration date of 13 Mar 90.
- c. Applicant reenlisted on 15 Dec 89 for 6 years, giving him a projected DOS of 14 Dec 95.
- d. Applicant extended his DOS of 14 Dec 95 for 3 months on 29 Aug 95 to permit separation at his High Year of Tenure (HYT) date of 14 Mar 96.

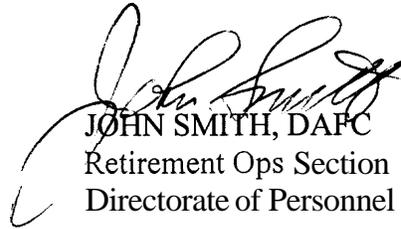
Discussion.

- a. Applicant was released from the Air Force on 14 Mar 96 for HYT, having failed promotion to Staff Sergeant (E-5) after serving 10 years and 2 days on active duty. He contends that his failure to be promoted stems from an alleged reading disability and requests medical retirement and entitlement to retired benefits and privileges.
- b. If the applicant's medical condition at the time of separation was questionable, the medical treatment facility (MTF) should have sent the case to the Medical Evaluation Board (MED), HQ AFPC/DPAMM for review.

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c. Title 10, United States Code, Section 8914 allows the Secretary of the Air Force, upon the member's request, to retire an enlisted member of the Air Force who has at least 20, but less than 30, years of service computed under Section 8925. Because the applicant had only served 10 years 2 days of service at the time of his release from active duty, he was not retirement eligible.

Recommendation. Denial. There were no injustices or irregularities that occurred with applicant's release from active duty processing.



JOHN SMITH, DAFC
Retirement Ops Section
Directorate of Personnel Program Management

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16 Jun 97
97-00726

MEMORANDUM FOR AFBCMR

FROM: BCMR Medical Consultant
1535 Command Drive, EE Wing, 3rd Floor
Andrews AFB MD 20762-7002

SUBJECT: Application for Correction of Military Records
[REDACTED]

Applicant's entire case file has been reviewed and is forwarded with the following findings, conclusions and recommendations.

REQUESTED ACTION: Applicant was released from the Air Force on 14 Mar 96 for Reduction in Force, having failed promotion to E-5 after serving 10 years and 2 days on active duty. He contends that his failure to be promoted stems from an alleged reading disability and requests medical retirement and entitlement to retired benefits and "privileges".

FACTS: Supporting applicant's contention, he furnishes a copy of an undated letter from a course he was attending (date, place and character of which are unknown) from which he was disenrolled for substandard performance on phase testing which an Academic Review Board felt was due to his "poor reading skills". Contrarily, his EPR of 12 March 90 states he graduated 5th in his class from the NCO Preparatory School in Sep 89, an accomplishment that would have required good reading and study skills. Nowhere in submitted records is found any reference to his having enrolled in remedial reading classes for his alleged disability. Finding no evidence to suggest that he asked for or received help with this deficiency, this reviewer can only surmise that none was sought.

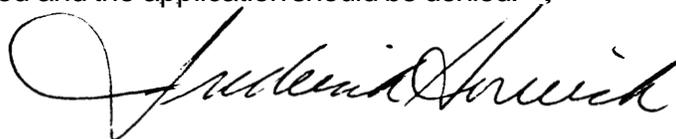
DISCUSSION: Applicant's service years were rewarded with performance reports (EPRs) reflecting excellence in his work in every instance. His duty as an aircraft mechanic would have required completion of technical training and absorption of volumes of information required for his work in order to achieve the proficiency reflected in these EPRs. If his reported reading deficiency was sufficient to cause him to fail written examinations, it seems highly unlikely he could have finished so high in his NCO Preparatory School class and not have been identified for STEP Promotion recommendation or other help to achieve his goals. Nowhere does this reviewer find any other reference to this situation than in his submitted letter mentioned above. Evidence of record and medical examinations prior to separation indicate the applicant was fit and medically qualified for continued military service or appropriate separation and did not have any physical or mental condition which would have warranted consideration under the provisions of AFI 36-3212. Reasons for discharge and discharge proceedings are well documented in the records. Action and disposition in this case are proper and reflect compliance with Air Force directives which implement the law.

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Evidence of record shows that while the applicant did have some medical problems while on active duty, none of them was of sufficient severity to justify a finding of unfit.

Evidence of record establishes beyond all reasonable doubt that the applicant was medically qualified for continued active duty, that the reason for his separation was proper, and that no error or injustice occurred in this case.

RECOMMENDATION: The BCMR Medical Consultant is of the opinion that no change in the records is warranted and the application should be denied.

A handwritten signature in cursive script, reading "Frederick W. Hornick". The signature is written in black ink and is positioned above the typed name and title.

FREDERICKW. HORNICK, Col. USAF, MC, FS
Chief, Medical Consultant, BCMR
Medical Advisor SAF Personnel Council

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