

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-02989

JUN 15 1998

HEARING DESIRED: YES

Applicant requests that his entry level separation be changed to a medical discharge, and his narrative reason for separation be changed to "Injury Occurred in the Line of Duty." 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 and counsel 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 applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issues involved. Therefore, the request for a hearing is not favorably considered.

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 Mr. Wayne R. Gracie, Ms. Rita S. Looney, and Ms. Ann L. Heidig considered this application on 28 May 98 in accordance with the provisions of Air Force Instruction 36-2603 and the governing statute, 10 U.S.C. 1552.

Wayne R. Gracie
WAYNE R. GRACIE
Panel Chair

Exhibits:

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

22 January 1998
97-02989

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.

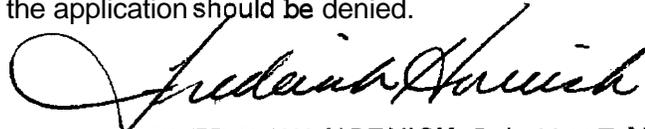
REQUESTED ACTION: The applicant received an entry-level separation on 25 March 1997 after 1 month and 21 days in basic training. He applies for a medical discharge based on his allegation that he suffered an injury on active duty that warrants compensation or reinstatement.

FACTS: The applicant suffered mild trauma to the bridge of his nose when he hit it on a bed frame on 14 February 1997, 9 days after entering basic training. He was seen, thereafter, for coincidental severe, generalized headaches and evaluated by radiologic scanning which showed only mild evidence of sinusitis, a problem not felt to be the cause of his headaches. Further evaluation by ENT specialists offered no relationship between the mild and treated sinusitis and the severity of his reported headaches. Finally, on 25 February 1997, he was seen by neurology who elicited a history of the applicant having severe and recurring headaches from the age of 12 on, and he was placed in the separation track for a condition that preexisted his entry on active duty. A Medical Board reviewed his history and recommended separation with an EPTS condition, a decision he concurred with as noted by his signature on AF Form 1180 dated 17 March 1997.

Subsequent follow-up in the civilian sector after his release confirmed the presence of **sinusitis** which, with continued treatment, resolved **by** the time **he** had a final scan done in June. The comments made by the applicant's civilian physician address only **the** sinusitis and not his past history of severe headaches uncovered by the physician at Lackland AFB 4 months **prior**. The comments, therefore, do not refute the fact of his preexisting **problem**.

DISCUSSION: It is clear from review of records that the applicant suffered from preexisting migraine or migraine-like headaches when he developed the one that led to his entry level separation. Competent medical authority established the correct medical history and separation actions were subsequently properly conducted. Because the applicant had less than 6 months of active duty, he was not entitled to separation pay and received none at the time of his release. Actions in this case were proper and followed Air Force directives that implement the law. No error or injustice occurred in this case which would warrant a change in the reason for his separation.

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



FREDERICK W. HORNICK, Col., USAF, MC, FS
Chief Medical Consultant, AFBCMR
Medical Advisor SAF Personnel Council

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

24 Feb 98

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPD
550 C Street West Ste 06
Randolph AFB TX 78150-4708

SUBJECT: Application for Correction of Military Records [REDACTED]
[REDACTED]

REQUESTED ACTION: Applicant requests that **his** entry level separation (Uncharacterized) be changed to a disability discharge.

FACTS: Applicant was involuntarily separated from the Air Force on 25 **Mar** 97 for physical disability under the provisions of AFI 36-3212. Member completed one **month and** twenty-one days of active duty on **his** initial enlistment. Shortly after entering active **duty**, he was diagnosed for migraine headaches, a condition that was determined **to** have existed prior to his entry into military **service**.

DISCUSSION: The purpose of the military disability system is to **maintain a fit and** vital force by separating **members** who **are unable to** perform the **duties** of their grade, office, rank or rating. Members who **are** separated or retired for reason of physical disability may be eligible, if otherwise qualified, for **certain** disability compensations. Eligibility for disability processing is established by a Medical Evaluation Board (**MEB**) when that board finds that the member may not be qualified for continued military service. **The** decision to conduct **an** MEB is made by the **medical** treatment facility providing care to the member.

An MEB on the applicant was convened **at** Wilford Hall Medical Center, **Lackland** AFB, **Texas** on **27 Feb 97** and referred to the Informal Physical Evaluation Board (IPEB). On **12 Mar 97**, the IPEB found the member **unfit** for continued military service for "common migraine headaches, Existed Prior to Service (EPTS) without service aggravation" and recommended he be discharged under other **than** Chapter 61, 10 USC (EPTS). Applicant agreed with the **findings and** recommendations of the **IPEB** on 17 Mar 97. Subsequently, officials within the Office of the Secretary of the Air Force directed the applicant be discharged under other **than** Chapter 61, 10 USC (EPTS). Separation was effective on 25 **Mar** 97.

A thorough review of the AFBCMR file **revealed** no errors or irregularities in the processing of the applicant's case within the disability evaluation system. He **was** appropriately found **unfit** for continued military service and properly rated under federal disability **rating**

guidelines. **The medical aspects of this case are fully explained by the Medical Consultant; we agree with *his* advisory.**

RECOMMENDATION: We recommend denial of the applicant's request. The applicant has not submitted any material or documentation to show he was inappropriately rated or processed under the military disability evaluation system at the time of his discharge from active duty.



**DORIS L. ROMERO, DAFC, GS-11
Chief, Disability Operations Branch
Physical Disability Division
Directorate of Pers Prog Management**