



[REDACTED]

**UNITED STATES AIR FORCE  
BOARD FOR CORRECTION OF MILITARY RECORDS**

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2021-03584

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

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**APPLICANT'S REQUEST**

1. The Formal Physical Evaluation Board (FPEB) decision, in which she was found unfit for duty, be invalidated.
2. Her discharge order be invalidated.
3. She be returned to duty.

**APPLICANT'S CONTENTIONS**

The FPEB decision that found her unfit for duty was based on misinformation, inconsistent facts, and embellishment of the truth. She provided written statements from her leadership and neurologist (at the time of FPEB) attesting to the fact she was fit for duty. Even the discharge order processed by the Air Reserve Personnel Center (ARPC) was issued fraudulently with a backdated effective date, which was prior to her last day in an active status. She should be returned to duty.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a former Air Force Reserve (AFR) lieutenant colonel (O-5).

On 12 Oct 04, DD Form 220, *Active Duty Report*, indicates the applicant entered active duty as a second lieutenant.

On 15 Nov 05, DD Form 214, *Certificate of Release or Discharge from Active Duty*, indicates the applicant was honorably discharged from active duty and transferred to the AFR with a narrative reason for separation of "Miscellaneous/General Reasons."

On 6 Nov 19, AF Form 356, *Findings and Recommended Disposition of USAF FPEB*, provided by the applicant, indicates the FPEB found her medical condition, Multiple Sclerosis (MS), prevents her from reasonably performing the full duties of her office, grade, rank or rating; represents a medical risk to her health with continued service; requires frequent follow-up with a medical specialist; and is subject to unpredictable exacerbations, recurrences, or progression. Thus, the FPEB found her multiple sclerosis is incompatible with the rigors of military service and unfitting.

On 6 Jun 21, Reserve Order [REDACTED], dated 7 Jul 21, indicates the applicant was voluntarily reassigned to Ft. [REDACTED], MD as a "Category B" Individual Mobilization Augmentee (IMA).

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[REDACTED]

[REDACTED]

On 19 Jul 21, Reserve Order [REDACTED], dated 12 Aug 21, provided by the applicant, indicates she was honorably discharged from the AFR by authority of AFI 36-3209, *Military Separations*, paragraph 2.16, Physical Disqualification.

On 17 Aug 21, AF Form 938, *Request and Authorization for Active Duty Training/Active Duty Tour*, Block 11, *Mbr is ordered to*, provided by the applicant, indicates she was ordered to Annual Training for 12 days. Blocks 36a, *Depart* and 36b, *Arrive* indicates on 1 Aug 21 she departed [REDACTED] and arrived at [REDACTED] Air Force Base. Blocks 36c, *Depart* and 36d, *Arrive* indicates she departed [REDACTED] Air Force Base 13 Aug 21 and arrived in [REDACTED]. The form was certified by the "Certifying Official" on 17 Aug 21.

For more information, see the excerpt of the applicant's record at Exhibit B.

## **AIR FORCE EVALUATION**

The AFRBA Medical Advisor finds insufficient evidence to support the applicant's request to invalidate the findings of her FPEB. The applicant contends that despite the FPEB's unfit ruling with regards to her MS diagnosis, she claims to remain fit to perform her military duties. MS is a chronic disease affecting the central nervous system of the body. It occurs when the immune system attacks nerve fibers and their surrounding coverings within the brain and spinal cord. The condition is quite unpredictable and can affect individuals in different manners. The applicant claimed many of her historical symptoms were either self-identified as being completely separate clinical conditions, or as part of various medication side effects. Despite the applicant's claim she has been without MS-related symptoms for some time and her ability to maintain fitness testing (commander agreed) should be the criteria to show she is fit to perform the duties of her office, rank, grade and rating; other factors must be considered as well. The FPEB clearly gave interest in such other concerns with regards to performing "full" duties, staying safe to herself as well as to others given the unpredictable possibility of again becoming completely incapacitated or that of suddenly developing decrease or total vision loss. The applicant's long history of constipation, various eye and loss of vision complaints coupled with a long past of migraine headaches and more than one episode of unconsciousness (presumably for other reasons), her incomplete compliance with medical recommendation, and having laboratory and radiographic findings that clearly indicate a worsening situation only tends to acknowledge the severity of her condition. Her condition, no matter when she claimed as being "formally" diagnosed, was objectively getting worse. The burden of proof is placed on the applicant to submit evidence to support her request. The evidence she did submit was insufficient to support her FPEB was either improper or inequitable and therefore, the applicant's request to invalidate its findings is not supported.

The complete advisory opinion is at Exhibit C.

## **APPLICANT'S REVIEW OF AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 21 Jul 22 for comment (Exhibit E) but has received no response.

## **ADDITIONAL AIR FORCE EVALUATION**

AFPC/DPFDD recommends denying the applicant's request to invalidate the FPEB decision that found her unfit for service. On 7 Oct 19, the Informal PEB (IPEB) found the applicant unfit for Multiple Sclerosis (MS), Relapsing, Remitting. According to the IPEB, MS was found to be unfitting due to its potential risk to the applicant's health with continued service, need for follow-

[REDACTED]

up, and the risk of unpredictable exacerbations, recurrences, and progression. On 10 Oct 19, the applicant disagreed with the IPEB findings and appealed to the FPEB requesting to be returned to duty. The FPEB noted that although advised by her neurologist to try another disease modifying treatment, she instead chose to seek treatment recommended by a provider at a commercial facility, which included exercise, gluten free diet, and supplements. The FPEB determined that her MS remained unfitting and did note concerns the applicant was not following the advice of competent medical authorities. On 16 Dec 19, the applicant disagreed with the FPEB findings and appealed to the Secretary of the Air Force Personnel Counsel (SAFPC) again requesting to be returned to duty. On 22 Jan 20 SAFPC denied the applicant's appeal, noting there was no new or compelling evidence, including no evidence of fraud, misrepresentation, abuse of discretion, or misapplication of policy.

There is no indication an error or injustice occurred during PEB processing. The IPEB and FPEB both acknowledged the applicant's strong leadership support that she be found fit and returned to duty but also noted that due to the unpredictable nature of her condition it prevents her from reasonably performing the full duties of her office, grade, rank or rating and represents a medical risk to her health with continued service.

The complete advisory opinion is at Exhibit D.

#### **APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 21 Jul 22 for comment (Exhibit E) but has received no response.

#### **ADDITIONAL AIR FORCE EVALUATION**

ARPC/DPT recommends partially granting the applicant's request to have her discharge order invalidated. On 6 Nov 19, the FPEB found the applicant incompatible with the rigors of military service and unfitting. On 19 July 21, the Air Force Reserve Command Deputy Commander (AFRC/CD) concurred with the board's decision and directed the applicant be discharged from the AFR in accordance with AFI 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*, paragraph 3.14, *Physical Disqualification*. The ARPC Separations Team discharged the applicant 12 Aug 21 with an effective date of 19 Jul 21 based on the direction of the AFRC/CD. The applicant's discharge date should be changed to 14 Aug 21 instead of 19 Jul 21 since applicant was in a military status performing her annual tour from 1 Aug 21 to 13 Aug 21.

The complete advisory opinion is at Exhibit F.

#### **APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 13 Mar 22 for comment (Exhibit G) but has received no response.

#### **FINDINGS AND CONCLUSION**

1. The application was timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.

[REDACTED]

3. After reviewing all Exhibits, the Board concludes the applicant is the victim of an error or injustice. While we note the conflicting advisory opinions prepared in this case; however, after thoroughly reviewing this application, the Board concurs with the rationale and recommendation of ARPC/DPT and finds a preponderance of the evidence substantiates the applicant's contentions in part. Specifically, the applicant has provided evidence she performed an annual tour from 1 Aug 21 to 13 Aug 21, which is sufficient to justify granting the applicant's request to correct her discharge order to reflect the last day she performed military duty. However, for the remainder of the applicant's requests, the evidence presented did not demonstrate an error or injustice, and the Board therefore finds no basis to recommend granting that portion of the applicant's request. Therefore, the Board recommends correcting the applicant's records as indicated below.

## RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show on 14 Aug 21 she was honorably discharged from the Air Force Reserve by authority of AFI 36-3209, *Military Separations*, paragraph 2.16, Physical Disqualification.

However, regarding the remainder of the applicant's request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

## CERTIFICATION

The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2021-03584 in Executive Session on 8 Aug 22 and 14 Apr 23:

[REDACTED], Panel Chair  
[REDACTED] Panel Member  
[REDACTED] Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 10 Oct 21.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFBCMR Medical Advisor, dated 20 May 22.
- Exhibit D: Advisory opinion, AFPC/DPFDD, dated 1 Jul 22.
- Exhibit E: Notification of advisory, SAF/MRBC to applicant, dated 21 Jul 22.
- Exhibit F: Advisory opinion, ARPC/DPT, dated 14 Feb 23.
- Exhibit G: Notification of advisory, SAF/MRBC to applicant, 13 Mar 23.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

 Invalid signature

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Board Operations Manager, AFBCMR  
Signed by: USAF

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