

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01144

XXXXXXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, Block 28, *Narrative Reason for Separation*, be amended from "Condition, Not a Disability" to "Disability" so he may receive a disability separation/retirement.

APPLICANT'S CONTENTIONS

He would like his DD Form 214, *Narrative Reason for Separation*, to be updated as it currently states "Condition, Not a Disability" but after examination and being seen by the Department of Veterans Affairs (DVA), they listed it as a service-connected disability. The applicant now receives disability compensation and would like it to be updated so he can accurately receive the benefits he is supposed to be entitled to and also to show the significance of the condition.

The applicant has been diagnosed with a service-connected disability, resulting in a 50 percent disability rating. Despite his DD Form 214 saying otherwise, the DVA's confirmation underscores the significance of this disability and its direct link to his military service. It is crucial that his separation reason accurately reflects this updated information.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an honorably discharge Air Force airman first class (E-3).

On 9 Dec 22, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of Department of the Air Force (DAFI) 36-3211, *Military Separations*, Part 2 – *Separation of Enlisted Members*, paragraph 7.11.2. The specific reasons for the action were:

- [The applicant] was diagnosed with Adjustment Disorder with Depressed Mood by a licensed clinical psychologist (LCP), utilizing the Diagnostic and Statistical Manual of Mental Disorders. The LCP concluded the disorder was so severe [the applicant's] ability to function effectively in the military environment was significantly impaired, and [the applicant] was deemed unsuitable for continued military service on the basis of his diagnosis.

On 12 Dec 22, the discharge authority directed the applicant be discharged for Personality Disorder or Mental Disorder not Constituting a Physical Disability, with an honorable service characterization. Probation and rehabilitation were considered, but not offered.

On 6 Jan 23, the applicant received an honorable discharge. His Narrative Reason for Separation is "Condition, Not a Disability" and he was credited with 1 year, 1 month, and 15 days of total active service.

On 3 Aug 23, according to a DVA Rating Decision, provided by the applicant, he was granted service-connection for unspecified depressive disorder and unspecified anxiety disorder (claimed as depression and anxiety) with an evaluation of 50 percent, effective 7 Jan 23.

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

AIR FORCE EVALUATION

The AFRBA Psychological Advisor finds there is insufficient evidence to support the applicant's request for a medical disability retirement.

There is insufficient evidence the applicant had an unfitting condition during his service or at discharge. There is significant evidence the applicant had an unsuiting condition during his military service (adjustment disorder) that resulted in his discharge. The applicant was diagnosed with adjustment disorder on 8 Sep 22, based on his difficulty adjusting to military service. On 29 Sep 22, when the applicant was informed he might be able to separate, his symptoms improved. He was also informed at this time his mental health diagnosis does not qualify for a disability [medical retirement or referral to the Disability Evaluation System (DES)]. On 22 Nov 22, during his Separation History and Physical Examination, the examiner noted the applicant denied any symptoms that would indicate he should be referred for a Medical Evaluation Board (MEB).

A Mental Health Evaluation, completed on 27 Sep 22, determined the applicant's diagnosis of adjustment disorder was unsuitable for military service and he does not qualify for disability benefits.

The applicant was diagnosed with unspecified depressive disorder and unspecified anxiety disorder by the DVA, with an original effective date of 7 Jan 23, after his military discharge. He was later diagnosed with generalized anxiety disorder by the DVA, with a current effective date of 8 Nov 23, about one year after his military discharge. The applicant was service-connected for his mental health condition.

It should be noted the military's DES, established to maintain a fit and vital fighting force, can by law, under Title 10, United States Code (10 USC), only offer compensation for those service-incurred diseases or injuries which specifically rendered a member unfit for continued active service and were the cause for career termination; and then only for the degree of impairment present at the time of separation and not based on post-service progression of disease or injury. The Department of Defense (DoD) does not compensate unsuiting conditions. To the contrary, the DVA, operating under a different set of laws, 38 USC, is empowered to offer compensation for any medical condition with an established nexus with military service, without regard to its impact upon a member's fitness to serve, the narrative reason for release from service, or the length of time transpired since the date of discharge. The DVA may also conduct periodic reevaluations for the purpose of adjusting the disability rating awards as the level of impairment from a given medical condition may vary (improve or worsen) over the lifetime of the veteran.

In the applicant's case, he was never determined to be unfit for duty from a psychological perspective during his military service. He was determined to be unsuiting, which by policy does not qualify for a military disability retirement, a referral to the DES, or an MEB.

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 23 Sep 24 for comment (Exhibit D) 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.
3. After reviewing all Exhibits, the Board concludes the applicant is not the victim of an error or injustice. The Board concurs with the rationale of the AFRBA Psychological Advisor and finds a preponderance of the evidence does not substantiate the applicant's contentions. The applicant was diagnosed by an LCP with Adjustment Disorder with Depressed Mood, an unsuiting condition which resulted in his separation. The applicant was informed at the time of diagnosis that his condition did not qualify for a disability; therefore, he was not referred for an MEB via the DES. Base upon the foregoing, the applicant's narrative reason for separation was appropriate.

Further, the military's DES was established under 10 USC to maintain a fit and vital fighting force, and can only offer compensation for those service-incurred diseases or injuries which specifically rendered a member unfit for continued active service and were the cause for career termination; and then only for the degree of impairment present at the time of separation and not based on post-service progression of disease or injury. The DoD does not compensate unsuiting conditions. To the contrary, the DVA, operating under 38 USC is empowered to offer compensation for any medical condition with an established nexus with military service, without regard to its impact upon a member's fitness to serve, the narrative reason for release from service, or the length of time transpired since the date of discharge. Therefore, the Board recommends against correcting the applicant's records.

RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

CERTIFICATION

The following quorum of the Board, as defined in DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2024-01144 in Executive Session on 18 Dec 24:

, Panel Chair
, Panel Member
, Panel Member

All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 19 Mar 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFRBA Psychological Advisor, dated 23 Sep 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 23 Sep 24.

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.

X

Board Operations Manager, AFBCMR