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

### SECOND ADDENDUM TO RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2018-00019-3

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COUNSEL: NONE

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

The Board reconsider his request to change is reentry (RE) code from "2Q" which denotes personnel medically retired or discharged to a code that will allow him to reenlist.

### RESUME OF THE CASE

The applicant is a former Air Force senior airman (E-4) who was found unfit due to left carpal tunnel syndrome and left-hand tremor and myofascial pain syndrome of the thoracolumbar spine which resulted in his discharged with severance pay (DWSP) on 27 Sep 12.

On 17 Jul 18, the Board considered and denied his request for a change to his RE code and concurred with the rationale and recommendation of AFPC/DP2SSM finding a preponderance of the evidence did not substantiate the applicant's contentions. Based on the applicant's disability discharge, the RE code assigned to him at the time of his discharge was correct.

On 23 Jul 20, the Board majority denied his request to change his RE code finding insufficient evidence to overcome the decision of the previous Board. The Board noted the applicant provided a decision from the Department of Veterans Affairs (DVA) showing he was denied disability compensation for the same diagnoses that resulted in his disability discharge. However, noted the disability evaluation systems of the Departments of Defense (DoD) and DVA have different functions and operate under separate laws. The Air Force found the applicant unfit for continued service and directed his discharge. Conversely, as evidenced by the documents provided by the applicant, the DVA may rate any service-connected condition based on future employability or re-evaluate a condition based on changes in its severity after separation from service.

For an accounting of the applicant's original request and the rationale of the earlier decision, see the AFBCMR Letters and Records of Proceedings at Exhibits E and G.

On 15 Jun 23, the applicant requested reconsideration of his request to change his RE code to allow him to enlist back into the Air Force. He again contends he was medically discharge because of his back injury he sustained in Afghanistan. While he was waiting for the medical board, he was not offered any physical therapy or medication nor did his leadership allow him the time off to

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attend medical appointments. After separation, he tried to get a disability rating from the DVA for his back; however, he was only awarded a 0 percent rating. He has been working out to improve his back and is healed enough to return to active duty. In support of his reconsideration request, the applicant submitted a complete copy of all of his medical records and several letters of recommendation.

The applicant's complete submission is at Exhibit H.

## **APPLICABLE AUTHORITY/GUIDANCE**

Per Air Force Instruction (AFI) 36-2606, *Reenlistment and Extension of Enlistment in the United States Air Force*, paragraph 5.12, RE codes determine whether or not Airmen may reenlist, or enlist in a military service at a later time. They are annotated on military discharge documents and document the Airman's RE code at the time of discharge.

Per Department of the Air Force Manual (DAFMAN) 36-2032, *Military Recruiting and Accession*, paragraph 3.4.1, for enlistment waiver authority, the AETC/SG (or appropriate RegAF major command Surgeon General), ANG Command Surgeon (NGB/SG), or AFRC Command Surgeon (AFRC/SG), as appropriate, is the authority to waive physical standards for enlistment in accordance with AFI 48-123, *Medical Examinations and Standards*. Per paragraph 3.7.1.1, the applicant's ability to enlist is determined by reviewing prior service reenlistment eligibility code and other factors. Individual components will do a service eligibility determination to determine applicant's eligibility. Per paragraph 3.7.2, a waiver is a formal request to consider the suitability for service of an applicant who because of inappropriate conduct or morals violations, dependency status, current or past medical conditions may not be qualified to serve. Upon the completion of a thorough examination using a "whole person" review, the applicant may be granted a waiver if the applicant has displayed sufficient mitigating circumstances that clearly justify waiver consideration. For medical conditions, this may require a new physical examination with appropriate medical evaluation to determine medical qualification to enter the Air Force per Department of Defense Instruction (DoDI) 6130.03, *Medical Standards for Appointment, Enlistment, or Induction in the Military Services*, and AFI 48-123.

## **AIR FORCE EVALUATION**

The AFBCMR Medical Advisor recommends denying the application finding no evidence of any inaccurate diagnoses rendered or evidence of an applied error or calculated injustice in the Disability Evaluation System (DES) medical out processing. Although the applicant specifically requests a change in his RE code, the Medical Advisor was specifically tasked with determining if the medical conditions for which the applicant was separated for were indeed unfitting and that no errors occurred during DES processing. Despite the inconsistency of hurting his back from a fall while deployed compared to his negative answers to the same on both his Post-Deployment Health Assessment (PDHA) and reassessment, the Medical Advisor directs attention to the applicant's left upper extremity (hand) condition and opines the most definitive issue of unfitness is clear and unmistakably accurate given the continued and prolonged symptoms of pain, numbness, and tremors in the hand of a security police officer who is required to handle a weapon with both hands. The Informal Physical Evaluation Board (IPEB) identified his medical conditions

of Intervertebral Disc Syndrome, Cervical, with Radiculopathy as unfitting which was accurate considering the expected multi-level arthritic changes found in the magnetic resonance imaging (MRI) of the cervical and upper back. As for the second IPEB diagnosis of Myofascial Pain Syndrome of the Thoracolumbar Spine as being unfitting; the Medical Advisor concurs that although the severity of his overall back pain was mild, the requirement of wearing an excessive gear load throughout the day as a security police officer, would meet unfitting criteria for such a military job.

The complete advisory opinion is at Exhibit I.

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

The Board sent a copy of the advisory opinion to the applicant on 21 Feb 24 for comment (Exhibit J), 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 remains unconvinced the evidence presented demonstrates an error or injustice. The Board concurs with the rationale and recommendation of the AFBCMR Medical Advisor and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board finds his discharge was consistent with the substantive requirements of the discharge regulation. Furthermore, they find no error or injustice occurred during the disability processing of his case. The applicant has provided no evidence which would lead the Board to believe his RE code was contrary to the provisions of the governing regulation at the time of his separation. The Board understands the applicant's desire to remove the RE code claiming his medical condition no longer exists; however, the RE code annotated on his DD Form 214 represents the condition to which he was separated and is not subject to change unless an error was made in the original annotation. This decision does not preclude the applicant from pursuing a medical waiver through recruiting services for reentry into the military as outlined in DAFMAN 36-2032. 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 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-2018-00019-3 in Executive Session on 20 Mar 24:

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Panel Chair  
, Panel Member  
Panel Member

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

- Exhibit E: Record of Proceedings, w/ Exhibits A-D, dated 27 Nov 18.
- Exhibit G: Addendum Record of Proceedings, w/ Exhibit F, dated 23 Feb 20.
- Exhibit H: Application, DD Form 149, w/atchs, dated 15 Jun 23.
- Exhibit I: Advisory Opinion, AFBCMR Medical Advisor, dated 14 Feb 24.
- Exhibit J: Notification of Advisory, SAF/MRBC to Applicant, dated 21 Feb 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.

3/25/2024

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Board Operations Manager, AFBCMR  
Signed by: USAF

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