



FOR OFFICIAL USE ONLY – PRIVACY ACT OF 1974 APPLIES

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

ADDENDUM TO RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2019-04541-2

Work-Product

COUNSEL: *Work-Product*

HEARING REQUESTED: YES

APPLICANT’S REQUEST

His service-connected medical condition of Post-Traumatic Stress Disorder (PTSD), be assessed as combat-related in order to qualify for compensation under the Combat-Related Special Compensation (CRSC) Act.

RESUME OF THE CASE

The applicant is a medically retired Air Force captain (O-3).

On 17 Jun 20, the Board considered and denied the applicant’s request to correct his record to show his service-connected medical condition of PTSD was combat-related in order to qualify for compensation under the CRSC Act. The Board concurred with the rationale and recommendations of AFPC/DPFDC and the AFRBA Psychological Advisor and found a preponderance of the evidence did not substantiate the applicant’s contentions.

For an accounting of the applicant’s original request and the rationale of the earlier decision, see the Record of Proceedings at Exhibit G.

On 17 Nov 20, the applicant requested reconsideration. He again contends his PTSD was aggravated by an interrogation exercise at the Survival Evasion Resistance and Escape (SERE) School when the instructors mercilessly taunted him about molesting his daughter due to the fact, he himself had been molested by a relative. The Medical Evaluation Board (MEB), Physical Evaluation Board (PEB), and the Department of Veterans Affairs (DVA) all found his PTSD combat related. The statutes and regulations defining conditions simulating war, which qualify as “combat-related” for CRSC purposes, are identical. The decision to deny him CRSC is unjust and erroneous. Since the denial of his request, the applicant underwent a comprehensive psychological examination that diagnosed him with PTSD and Major Depressive Disorder.

As new evidence, the applicant submits a copy of a Psychological Evaluation dated 12 Oct 20, stating in part, based on when the symptoms first occurred and the progression, it does seem the Prisoner of War portion of the SERE training (specifically the physical and mental abuse he

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endured during interrogation) are likely to be the root cause for the PTSD symptoms to occur. Given that immediately following the training and since then, his symptoms have occurred, it seems likely that without the abusive conduct therein, the applicant would otherwise have not experienced PTSD symptoms. With the new evidence, the applicant states he has established a definite, documented, and causal relationship between the combat-related event and his resulting disability. As such, he is qualified and should be entitled to CRSC. The applicant also provided an affidavit dated 20 Nov 20, and various other documents associated with his request.

The applicant's complete submission is at Exhibit H.

APPLICABLE AUTHORITY/GUIDANCE

Air Force Combat-Related Special Compensation Program, Rules of Procedure, dated 12 Aug 21, paragraph 3.5, states combat related determinations for a medical condition made for the purposes of disability evaluation under Chapter 61 Title 10 U.S.C. are considered evidence but are not binding for the award of CRSC. The Disability Evaluation System's (DES) combat-related decisions are made when the preponderance of evidence, including a Retiree's subjective testimony, indicate combat relation. In contrast, the evidentiary standard for CRSC entitlement is the preponderance of objective evidence, requiring official and corroborated documentation to show combat relation. When submitting a claim for CRSC, retirees may submit their DES decision documents as evidence, but must also provide corroborating evidence.

As required by 10 U.S.C. 1556(a), on 20 Aug 21, the Board sent a copy of the Combat-Related Special Compensation Program, Rules of Procedure, dated 12 Aug 21, to counsel for review and comment within 30 days, but has received no response (Exhibit K).

AIR FORCE EVALUATION

AFPC/DPFDC recommends denying the application. The applicant did not provide any evidence to support his CRSC compensation claim. Although medical documentation may confirm PTSD or other mental health diseases, it does not identify a specific combat-related event (nexus) that attributed to the claimed disability. Medical documentation for such disabilities are often related from a patient's account (point of view) of what happened and not objective documentary evidence the claimed combat-related stressors occurred. The fact a member incurred a disability during a period of simulating war or in an area of simulated armed conflict or while participating in simulated combat operations is not sufficient by itself to support a combat-related determination. The board looks for definite, documented, causal relationship between the combat-related event conflict and the resulting disability. The Findings and Recommended Disposition of the USAF PEB found the applicant's PTSD to be combat-related in accordance with AFI 36-3212, *Physical Evaluation for Retention, Retirement, and Separation*. Their process and standards for determinations are governed under a guidance which determines a member's ability to remain fit for active duty. However, the PEB's decision does not automatically qualify a disability as combat-related under the CRSC program. The CRSC program is designed to provide compensation for combat-related injuries. The DVA awards service-connected disabilities based on their standards. They resolve doubt in the interest of the veteran and grant service connection for injuries or diseases incurred while in service. While service connection for disabilities is

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required for initial eligibility for CRSC consideration, the CRSC program is designed to provide compensation for combat-related injuries and its standards are much more rigorous when determining if claimed disabilities qualify as combat related.

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 10 May 21, for comment (Exhibit J), but has received no response.

ADDITIONAL AIR FORCE EVALUATION

The Office of the Assistant Secretary of Defense, Office of Personnel Policy recommends denying the applicant’s request. Based on the applicable provisions of law, regulation, and policy governing entitlement to, and administration of, CRSC, his service-connected DVA compensable PTSD does not meet the qualifying criteria required to establish it is combat-related for purposes of entitlement to CRSC as incurred in the performance of duty under conditions simulating war.

His record does not support a combat-related determination for his PTSD. The evidence provided indicates the traumatic events underlying his PTSD, being molested as a child, and finding a dead body as a police officer, both occurred prior to military service. While SERE school may have triggered memories of these events, the traumatic events themselves are not combat-related. As a result, he has not carried the burden required to show his PTSD is a combat related diagnosis. In making CRSC determinations, PEB decisions and other determinations regarding the combat-relatedness of a disability can provide some value when making the ultimate CRSC determination, but they are not conclusive. The CRSC boards must independently look at what caused the condition, the activities taking place at the time, and the resulting disability. As such, many disabilities may not meet the requirements to receive compensation under the CRSC program. The Service CRSC board, which has considerable experience in assessing combat relatedness claims in many contexts, determined the applicant has not satisfied his burden of proof.

The complete advisory opinion is at Exhibit L.

APPLICANT’S REVIEW OF ADDITIONAL AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 22 Jan 24, for comment (Exhibit M), 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.

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3. After reviewing all Exhibits, the Board remains unconvinced the evidence presented demonstrates an error or injustice. While the applicant believes his disability was incurred as the direct result of armed conflict and provides documentation in support of his request, the Board does not find his assertions and evidence, in and by themselves, sufficiently persuasive. Although the PEB determined his condition was combat-related, as noted in the Air Force CRSC Rules of Procedure, dated 12 Aug 21, combat-related determinations for a medical condition made for the purposes of disability evaluation under Chapter 61 Title 10 U.S.C. are considered evidence but are not binding for the award of CRSC. DES combat-related decisions are made when the preponderance of evidence, including a Retiree’s subjective testimony, indicate combat relation. In contrast, the evidentiary standard for CRSC entitlement is the preponderance of objective evidence, requiring official and corroborated documentation to show combat relation. Despite the fact the PEB considered the applicant’s PTSD to be combat-related, the Board does not find the evidence submitted by the applicant sufficient to conclude it meets the evidentiary standard for CRSC entitlement. Therefore, the Board recommends against correcting the applicant’s records.

4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board’s understanding of the issues involved.

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-2019-04541-2 in Executive Session on 23 Nov 21 and 9 Apr 24:

- Work-Product**, Panel Chair
- Work-Product**, Panel Member
- Work-Product**, Panel Member

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- Work-Product**, Panel Member

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

- Exhibit G: Record of Proceedings, w/ Exhibits A-F, dated 17 Jun 20.
- Exhibit H: Application, DD Form 149, w/atchs, dated 17 Nov 20.
- Exhibit I: Advisory Opinion, AFPC/DPFDC, dated 6 May 21.
- Exhibit J: Notification of Advisory, SAF/MRBC to Applicant, dated 10 May 21.
- Exhibit K: Notification of CRSC Rules of Procedure, dated 20 Aug 21, SAF/MRBC to Applicant, w/atch.

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Exhibit L: Advisory Opinion, OASD, Military Personnel Policy, dated 19 Jan 24.
Exhibit M: Notification of Advisory, SAF/MRBC to Applicant, 22 Jan 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.

4/19/2024

Work-Product

Board Operations Manager, AFBCMR

Signed by: *Work-Product*