



**CUI//SP-MIL/SP-PRVCY**

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

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**ADDENDUM TO RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2020-03361-2

*Work-Product*

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

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**APPLICANT'S REQUEST**

The Board reconsider his request be authorized entitlement to Servicemembers' Group Life Insurance Traumatic Injury Protection program (TSGLI) for loss of Activities of Daily Living (ADL) greater than 90-days, for the period 17 Oct 18 to 1 Mar 19.

**RESUME OF THE CASE**

The applicant is a former Air National Guard master sergeant (E-7).

On 17 Feb 21, the Board considered and denied his request for TSGLI; finding the applicant had provided insufficient evidence of an error or injustice to justify relief. The Board concurred with the rationale and recommendation of ARPC/DPTT; noting the medical records supported he was able to independently transfer, bathe, feed, toilet, and maintain continence, prior to the 90-day post injury date.

For an accounting of the applicant's original request and the rationale of the earlier decision, see the AFBCMR Letter and Record of Proceedings at Exhibit E.

On 6 Dec 21, the applicant requested reconsideration of his request for TSGLI past the 90-day point of his injury. He again contends his claim was denied because of the misinterpretation of his medical records. At the 90-day point, he could not walk or maintain continence. In support of his reconsideration request, the applicant submitted additional medical evidence in direct support of his claim showing assistance in daily living was necessary beyond the 90-day point along with his Department of Veterans Affairs (DVA) disability rating.

The applicant's complete submission is at Exhibit F.

**AIR FORCE EVALUATION**

ARPC/DPTT recommends denying the applicant's request to correct his military record to allow entitlement to TSGLI for loss to independently perform ADL for up to 90-days resulting in an additional \$25,000.00 payment. According to medical documentation, the applicant was able to

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bathe, dress, and transfer independently before the 90-day threshold. Even though the applicant was unable to toilet independently, according to the TSGLI guidance any ADL claim will require an applicant to be unable to independently perform two or more ADLs.

TSGLI provides coverage to any Service member insured under Servicemembers' Group Life Insurance (SGLI) who sustains a serious traumatic injury that results in certain prescribed losses. TSGLI provides between \$25,000.00 and \$100,000.00 of coverage depending on the loss incurred. On 17 Oct 18, after a normal parachute opening, the applicant made a low turn and collided with the ground and sustained the following injuries: subtrochanteric/peritrochanteric fracture of the femoral shaft, complex sacral/pelvic fractures with pelvic ring instability and bilateral pelvic diastasis and fractures involving the spine, compression fracture of thoracic vertebra T8, multiple spinal transverse process fractures, multiple left rib fractures, left hemothorax, left kidney laceration, and renal artery dissection. The applicant was transported to a medical center where he was admitted and underwent trauma evaluation and treatment. He underwent open reduction internal fixation of the left greater trochanter and left femoral shaft fractures on 20 Oct 18. The applicant had pelvic fixation surgery on 24 Oct 18 and 26 Oct 18. He underwent L4 to pelvis segmental spinal instrumentation and bilateral sacroiliac joint fusion. His hospital and rehabilitation courses were complicated by the non-weight bearing status, as well as neurogenic bladder requiring cauterization and neurogenic bowel requiring digital disc impaction.

The applicant submitted a TSGLI claim on 22 Aug 19 claiming the loss of ADL, specifically, the ability to independently bathe, dress, toilet, and transfer for the period 17 Oct 18 to 1 Mar 19. The applicant's initial TSGLI claim along with supporting medical documentation were reviewed on 11 Nov 19. The initial claim was approved for loss of ability to independently perform ADL for 15 days and denied for loss of ability to independently perform ADL beyond 30-days. The following was stated as grounds for partial approval, "Based on my review, I recommend the following: APPROVAL for the claim of hospitalization for 15 or more consecutive days due to other traumatic injury (OTI), with regard to the claim for loss of ADL, I believe we could definitely approve an ADL loss to at least the 60-day threshold. However, I cannot make a final recommendation at this time because the medical provider who certified the claim, signed it on 5 Nov 18 (well before the 30-day threshold for ADL loss which is 15 Nov 18). I will be glad to review a supplemental claim after you obtain an updated claim form with clear claimed end dates for ADL loss and a medical provider certification dated after the claimed loss occurred."

The applicant submitted their TSGLI appeal on 6 Oct 20 claiming loss of ADL, specifically, the ability to independently bathe, dress, toilet, and transfer for the period 17 Oct 18 to 1 Mar 19. The applicants appeal included additional documents that identified clear claimed end dates for ADL loss and a medical provider certification dated after the claimed loss occurred. The applicant's appeal was reviewed on 28 Jan 20. The applicants appeal claim was approved for loss of ability to independently perform ADL for 60-days and denied for loss of ability to independently perform ADL for 90-days. The following was stated as ground for the partial approval, "Based on my review of this claim the member was still hospitalized 15-day post-injury date and previously received approval of the TSGLI hospitalization claim. I concur with APPROVAL of the 15-days TSGLI claim. Additionally, there is sufficient medical documentation to support loss of two or more ADL at the 60-day post injury date; therefore, I concur with APPROVAL of the TSGLI 60-day claim. However, by day 86 post-injury, the applicant was released to weight bearing with

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crutches/walker. The medical records support he was able to independently transfer, bathe, feed, toilet, and maintain continence, prior to the 90-day post-injury date. I recommend DENIAL for the TSGLI appeal claim for him, for the loss of two or more ADL at the 90-day post injury date.”

The applicant included new medical documentation to prove they required assistance for ADL for toilet up to the 90-day threshold. In accordance with the TSGLI Procedural Guide, when a member is unable to perform two of the six ADL due to a traumatic injury. Although the applicant could not toilet independently, he needs to require assistance for two or more ADLs to be approved for the 90-day loss of ADL.

The complete advisory opinion is at Exhibit G.

**APPLICANT’S REVIEW OF AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 21 Feb 23 for comment (Exhibit H), 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 ARPC/DPTT and finds a preponderance of the evidence does not substantiate the applicant’s contentions. Specifically, the evidence the applicant submitted, unable to toilet independently, does not support his request for TSGLI at the 90-day threshold which requires documentation showing he was unable to perform two of the six ADL due to a traumatic injury. The evidence presented shows he was able to bathe, dress, and transfer independently before the 90-day threshold. 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 Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2020-03361-2 in Executive Session on 22 Mar 23:

*Work-Product* [Redacted] Panel Chair  
[Redacted], Panel Member  
*Work-Product* [Redacted] Panel Member

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

- Exhibit E: Record of Proceedings, w/ Exhibits A-D, dated 17 Feb 21.
- Exhibit F: Application, DD Form 149, w/atchs, dated 6 Dec 21.
- Exhibit G: Advisory Opinion, AFPC/DPTT, dated 27 Jan 23.
- Exhibit H: Notification of Advisory, SAF/MRBC to Applicant, dated 21 Feb 23.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.

1/1/2024

*Work-Product* [Redacted] \_\_\_\_\_

Board Operations Manager, AFBCMR  
Signed by: *Work-Product* [Redacted]