



CUI//SP-MIL/SP-PRVCY
UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2020-03518

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His disability impairment rating of 40 percent be reflected on his DD Form 214, *Certificate of Release or Discharge from Active Duty*.

APPLICANT'S CONTENTIONS

Upon his separation physical, he was found 40 percent disabled. His disability rating is not reflected on his final DD Form 214. He has no proof of his disability when applying for civil service jobs, which places him at a disadvantage.

To support his claim, the applicant submitted his DD Forms 214 from all his active duty periods and his Department of Veterans Affairs (DVA) disability rating letter dated 14 Jan 22 showing his combined service-connected disability rating at 40 percent.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 6 Mar 10, the applicant's last DD Form 214 reflects he was honorably discharged in the grade of lieutenant colonel (O-5) after serving nine months and six days for this period of active service. He was discharged, with a narrative reason for separation of "Release Due to Demobilization."

Dated 3 Jun 14, Reserve Order *Work-Product* indicates the applicant was retired from the Air Force Reserve, effective 1 Jul 14 with 34 years, 5 months, and 12 days of service for basic pay.

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

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APPLICABLE AUTHORITY/GUIDANCE

Title 10, United States Code, Section 1168: Discharge or release from active duty: limitation; DoDI 1336.01, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*; AFI 36-3202, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*; DD Form 214 Total Force Personnel Services Delivery Guide. The DD Form 214 is prepared in accordance with the aforementioned publications and is used to record qualifying active duty service. Service-connected injuries and a Veteran's disability rating are not annotated on a member's DD Form 214.

According to the Official Website of the U.S. Office of Personnel Management (OPM), Veterans' Preference gives eligible veterans preference in appointment over many other applicants. Veterans' preference applies to all new appointments in the competitive service and many in the excepted service. Veterans' preference does not guarantee veterans a job and it does not apply to internal agency actions such as promotions, transfers, reassignments and reinstatements. Understanding how veterans' preference works can be a challenge. In accordance with Title 5, U.S.C., Section 2108 Veterans' Preference eligibility can be based on dates of active duty service, receipt of a campaign badge, receipt of a Purple Heart, or a service-connected disability. Please know that not all active duty service may qualify for Veterans' Preference.

You are 10-point preference eligible if you served at any time, and you have a service-connected disability, or received a Purple Heart. You must provide acceptable documentation of your preference or appointment eligibility. Acceptable documentation may be a copy of your DD-214, "Certificate of Release or Discharge from Active Duty," which shows dates of service and discharge under honorable conditions. If you are claiming 10-point Veterans' Preference, you will need to submit an SF-15. You may obtain a letter from the DVA reflecting your level of disability for preference eligibility by visiting a DVA Regional Office, contacting a DVA call center, or online.

AIR FORCE EVALUATION

The AFBCMR Medical Advisor recommends denying the applicant's request to add his disability rating to his DD Form 214. The evidence revealed there was no disqualifying medical condition throughout his career. The determined DVA impairment rating is not appropriate to list on a DD Form 214. Refer to OPM for further information. The record review revealed numerous medical clinic encounters throughout the period from 2005 to 2021. Many of such encounters were for routine issues and preventive health maintenance assessments. The only areas with significantly more encounters were for low back pain and skin issues consistent with tinea versicolor or tinea corporis (a.k.a. fungal infection of the skin); neither of which were present in such a severity whereby the applicant was unable to perform the required military duties of his office, grade, rank, or rating or to the point where he was unable to properly wear the required military uniform or equipment. DoDI 1336.01, *Certificate of Uniformed Service (DD Form 124.5 Series)*, establishes policies and prescribes procedures for the preparation of the DD Form 214. Section 3, Chapter 3.3, paragraph b, Table 1 lists by block number the contents that go on the DD Form 214. The issuance of a DD Form 214 is required in various scenarios to include (a) Members who are

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separated or released from active service; (b) Recalled retirees reverting to retired status, regardless of the period of Active Duty (AD) service; (c) Members who are separated for cause or for physical disability, regardless of the period of active service; (d) Personnel being separated, when they have served 90 days or more or when required by the Secretary concerned for shorter periods, from a period of AD for training, full-time training duty, or AD for operational support; (e) Reserve Component personnel ordered to AD for a contingency operation for a period greater than 30 days, and (f) Members who change their status or component while serving on active service. There is no section for a disability rating to be noted. The only time where a notation of a disability (not an impairment rating) is noted on the DD Form 214 is when a member has been separated from service by a medical board when rated by DoD at an applicable retirement rating level.

Specific to the applicant's concern for proving his 40 percent disability rating by the DVA when applying for civil service jobs and receiving preference points, a Standard Form (SF) 15, *Application for 10-point Veteran Preference*, from OPM is submitted along with the DD Form 214 in requesting such preference. The Medical Advisor is unable to determine the diagnostic reasoning for the applicant's DVA impairment rating, but such knowledge is essentially unnecessary in answering his requested action. In such a case when seeking employment, the DD Form 214 is strictly to prove that ones' character of service was no less than honorable.

There are significant differences between the military and DVA disability evaluation systems (DES). For awareness sake, the military's DES, established to maintain a fit and vital fighting force, can by law, under Title 10, U.S.C., 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 "snapshot" time of separation and not based on future progression of injury or illness. On the other hand, operating under a different set of laws (Title 38, U.S.C.), with a different purpose, the DVA is authorized to offer compensation for any medical condition determined service incurred, without regard to and independent of its demonstrated or proven impact upon a service member's retainability, fitness to serve, or the length of time since date of discharge.

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 5 Oct 22 for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was not 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 and recommendation of the AFBCMR Medical Advisor and finds a preponderance of the evidence does not substantiate the applicant's

contentions. Service-connected injuries and a Veteran’s disability rating are not annotated on a member’s DD Form 214. Therefore, the Board recommends against correcting the applicant’s records. The Board also notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Air Force Instruction 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. The Board does not find it in the interest of justice to waive the three-year filing requirement. Therefore, the Board finds the application untimely and 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 application was not timely filed; it would not be in the interest of justice to excuse the delay; 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 the 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-2020-03518 in Executive Session on 30 Nov 22:

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

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 3 Feb 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFBCMR Medical Advisor, dated 27 Sep 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 5 Oct 22.

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.

12/5/2023

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