



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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-01642

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, reflect the following:

- a. Item 24, Character of Service, "Disability" rather than "Honorable."
- b. Item 28, Narrative Reason for Separation, "Medically Retired" rather than "Completion of Required Active Duty."

APPLICANT'S CONTENTIONS

He was medically retired based on an injury he received while on active duty. However, his narrative reason for separation reflects completion of required active service, which is incorrect. This error has disqualified him for benefits and services that he is legally qualified for, specifically, the Post 9-11 G.I. Bill.

In a statement to the Board, he explains that he was Guardsman that was activated under Title 10 from 2 April 2012 to 6 August 2012 and was deployed overseas. While deployed he received the smallpox vaccine which caused him to have a severe medical reaction and several severe medical issues. He was medivac to the states for further treatment and diagnosis and was retained on Title 10 USC 12301 (H) Medical Hold Orders from 22 May to 2 May 2013. During this time, he was formally treated & diagnosed. Eventually he received a medical diagnosis that required an Automated Implantable Cardioverter Defibrillator (AICD) for future lifesaving therapy, which was implanted on 22 August 2012. Once he received the AICD, he was found medically unfit for duty and was placed into the Integrated Disability Evaluation System (IDES) ratings process. Due to a backlog his case was not finalized until 21 January 2014; however, he was released by his unit on 2 May 2013 while his IDES case was still being processed. When he was taken off Title 10 USC 12301 (H) orders and released from active duty his unit listed his reason for separation as: "Completion of Required Active Service" as his IDES case was not finalized and despite the fact, he was technically unfit for continued service.

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

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With the USAF Physical Evaluation Board (PEB) results, his report of investigation Line of Duty (LOD), and Department of Veteran Affairs Disability Evaluation System Rating Decision dated 21 January 2014, he believes there is more than enough evidence to correct the injustice that caused incorrect information on his DD Form 214. He would like a correction to reflect accurate information that transpired from his medical issues and disabilities, which he incurred during his Title 10 USC 12301 (D) & (H) uniformed service. As such, he requests that his DD Form 214 reflect that he was Medically retired based upon the disability he received while on active duty.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a permanently disability retired Air National Guard staff sergeant (E-5).

On 2 April 2012, according to Special Order Number [Work-Product] dated 20 March 2012 and provided by the applicant, he was placed on Activation Contingency (MPA) orders under Title 10 United States Code (USC) 12301 (D) in support of Operation [Work-Product]. The end date on the orders reflects 6 August 2012.

On 9 April 2012, according to DD Form 261, *Report of Investigation, Line of Duty and Misconduct Status*, with report date 12 September 2012 and provided by the applicant, he was diagnosed with Symptomatic Ventricular Tachycardia and Reduced EF (45 percent) after he received the smallpox vaccine while deployed to [Work-Product], UAE. The final approval authority deemed the incident to be In Line of Duty (ILOD).

On 12 July 2012, according to another DD Form 261 with report date 4 June 2013 and provided by the applicant, he was diagnosed with Arrhythmogenic Right Ventricular Cardiomyopathy after he reported to the medical clinic and was found to be in V-Tach. The final approval authority found the incident to ILOD, Existed Prior to Service (EPTS) with Service Aggravation.

On 20 February 2013, according to AF Form 1411, *Extension or Cancellation of Extensions of Enlistment*, the applicant requested that his enlistment entered on 5 May 2007 for a period of three years be extended for a period of six months for the purpose of a Medical Evaluation Board (MEB).

On 12 March 2013, according to AF IMT 348, *Line of Duty Determination*, the applicant was diagnosed with Arrhythmogenic Right Ventricular Cardiomyopathy. The recommended findings from the medical officer reflect "In Line of Duty."

On 2 May 2013, according to DD Form 214, the applicant was released from active duty after completing a period of service from 2 April 2012 through 2 May 2013 and transferred to the ANG with a character of service of Honorable, a narrative reason for separation of "Completion of Required Active Service," and a corresponding separation code of MBK. The DD Form 214 also indicates that during his period of service he served in support of OEF from 2 April 2012 to 21 May

2013 and was placed in medical continuation status from 22 May 2012 to 2 May 2013. He was credited with 1 year, 1 month and 1 day of net active service.

On 31 May 2013, according to a working copy of his AF Form 469, *Duty Limiting Condition Report*, the applicant was placed on duty and mobility restrictions that expired on 31 May 2014. The form further shows he was undergoing a Medical Evaluation Board to determine medical fitness for continued worldwide duty and retention and was given a Duty Limiting Code 37.

According to AF Form 1411, *Extension or Cancellation of Extensions of Enlistment*, dated 29 October 2013, the applicant requested his enlistment entered on 5 May 2007 for a period of three years be extended for a period of 42 months for the purpose of an Administrative Oversight/MEB. His request was approved.

On 7 November 2013, according to AF Form 365, *Findings and Recommended Disposition of USAF Physical Evaluation Board*, the Informal Physical Evaluation Board (IPEB) found the applicant unfit because of a physical disability and the recommended disposition indicated Unfit - IDES Awaiting VA Rating. The unfitting condition was for Implanted Cordia Defibrillator secondary to Arrhythmogenic Right Ventricular Cardiomyopathy, which occurred while entitled to receive basic pay and was found ILOD.

On 11 February 2014, according to AF Form 365, the IPEB found the applicant unfit because of physical disability and recommended permanent retirement with a compensable percentage of 100 percent IAW the Veterans Administration Schedule for Rating Disabilities (VASRD) guidelines.

On 12 February 2014, the applicant agreed with the findings and recommended disposition of the IPEB and waived his right to a Formal PEB hearing. Further, he did not request a one-time reconsideration of the disability ratings for the conditions found unfitting by the PEB.

On 13 February 2014, the Secretary of the Air Force directed the applicant be permanently retired under the provisions of 10 USC 1201.

On 24 March 2014, Special Order No. [Work-Product] reflects the applicant was relieved from active duty and effective on 25 March 2014, he was permanently disability retired with a compensable percentage for physical disability of 100 percent. He served 17 years, 4 months and 27 days of service for basic pay and 2 years, 11 months and 18 days of active service for retirement.

On 24 March 2014, according to NGB Form 22, *Report of Separation and Record of Service*, the applicant was honorably discharged from the Air National Guard. The Authority and Reason states AFI 36-3212, Paragraph Chapter 8: Physical Disability-Permanent Retirement-PDRL, SPD: SEJ.

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

APPLICABLE AUTHORITY

AFI 36-3212, *Physical Evaluation for Retention, Retirement, and Separation*, 2 February 2006, Incorporating through Change 2, 27 November 2009:

Chapter 8, Evaluation of Air Reserve Component (ARC) Members:

8.6.2. ARC members who incur or aggravate an injury, illness or disease in the line of duty while on orders for more than 30 days are not involuntarily released from those orders until final disposition of their disability case. These members' entitlement to full pay and allowances and benefits continue to the same extent provided by law or regulation to regular component members.

8.11. Other Administrative Actions. Do not retire or discharge a member whose case is undergoing disability evaluation until completion of the disability case. Do not administratively discharge under AFI 36-3209, Separation Procedures for Air National Guard and Air Force Reserve Member, members retired or discharged for disability under this instruction.

AIR FORCE EVALUATION

ARPC/DPTS recommends denying the application. The applicant was placed on the Permanent Disability Retired List (PDRL) on 25 March 2014 and did not perform any qualifying active duty time after 2 May 2013. Per Air Force Instruction 36-3202, *Certificate of Release or Discharge from Active Duty*, paragraph 4.5, an Air Reserve Component (ARC) member has to serve 90 continuous calendar days or more active duty or involuntarily ordered to active duty in the event of a national emergency or war to qualify for a DD Form 214. Though the applicant did receive a PDRL retirement, he must be on qualifying active duty orders up to the retirement date of 25 March 2014 to have the Separation Code (SPD) reflect "SEJ" (Disability, Permanent IDES). Furthermore, per AFI 36-3202, Table 4, Rule 60, the narrative reason for separation corresponds directly with the SPD that is selected. Since the applicant was still a member of the United States Air National Guard after 2 May 2013, the aforementioned DD Form 214 accurately reflects an SPD code of "MBK" and narrative reason for separation of "Completion of Required Active Duty."

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 28 May 2021 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 the victim of an error or injustice. While the Board acknowledges the recommendation of ARPC/DPTS against correcting the record, it finds a preponderance of the evidence substantiates the applicant's contentions. Specifically, although ARPC/DPTS asserts the applicant was not on qualifying active duty orders through his retirement date of 25 March 2014, the Board determines an injustice occurred when the applicant was prematurely released from active duty on 2 May 2013. The applicant, a permanently disability retired Air National Guard Staff Sergeant (E-5), incurred and aggravated a disabling cardiac condition after receiving the smallpox vaccine while serving on Title 10 orders for more than 30 consecutive days in support of Operation Work-Product. Multiple Line of Duty determinations confirmed the conditions were incurred in the line of duty. At the time of his release from active duty, the applicant was still undergoing disability processing and should have remained on medical continuation orders until final disposition of his case. In accordance with AFI 36-3212, dated 27 November 2009, "ARC members who incur or aggravate an injury, illness or disease in the line of duty while on orders for more than 30 days are not involuntarily released from those orders until final disposition of their disability case. These members' entitlement to full pay and allowances and benefits continue to the same extent provided by law or regulation to regular component members." The Board finds the applicant's release and subsequent administrative actions did not comply with these protections. Therefore, the Board recommends correcting the applicant's records to reflect continuous Title 10 active duty status from 2 April 2012 through 24 March 2014, with entitlement to all associated pay, allowances, and benefits. This correction aligns his active duty service with his retirement date of 25 March 2014 and establishes qualifying service for an SPD code of "SEJ" and a narrative reason for retirement of "Disability, Permanent IDES." Accordingly, the Board recommends correcting the applicant's records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show:

- a. On 2 May 2013, the applicant was not released from active duty, but continued on active duty orders in a medical continuation status until 24 March 2014.
- b. His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be corrected to reflect the additional active duty time to include, but not limited to, a period of active duty service beginning on 2 April 2012 and ending on 24 March 2014, a separation program designator (SPD) code of "SEJ," and a narrative reason for separation of "Disability, Permanent IDES."

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c. He receives all associated backpay, benefits and entitlement minus any authorized offsets based on the above corrections to his record.

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-2021-01642 in Executive Session on 26 January 2022 and 28 August 2025:

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, Panel Chair

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, Panel Member

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, Panel Member

All members voted to correct the record. The panel considered the following:

Exhibit A: Application, DD Form 149, w/atchs, dated 2 March 2021.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, ARPC/DPTS, w/atchs, dated 27 May 2021.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 28 May 2021.

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.

9/9/2025

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Board Operations Manager, AFBCMR

Signed by: USAF

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