



Work-Product

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

ADDENDUM TO RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2021-01830-3

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

The Board reconsider his request he be placed on medical continuation (MEDCON) orders for the period of 9 Nov 18 to 10 Dec 18.

RESUME OF THE CASE

The applicant is an Air National Guard (ANG) master sergeant (E-7).

On 23 Nov 21, the Board considered and denied his request, as recommended by AFPC/DPFA. The Board did not dispute he injured his ankle while deployed; however, the applicant did not provide the required evidence, to include the surgical documents, to warrant granting MEDCON orders for the period of 9 Nov 18 to 10 Dec 18,

On 21 Nov 22, the AFBCMR denied the applicant's request for reconsideration as there was no new evidence provided and his request did not meet the criteria for reconsideration.

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

On 29 Jun 23, the applicant requested reconsideration of his request for MEDCON orders for the time period 9 Nov 18 to 10 Dec 18. He provides the required documentation AFPC and the Board stated were missing to support granting his request. In support of his reconsideration request, the applicant submitted the following new evidence: 1) Department of Veterans Affairs (DVA) Podiatry note dated 9 Aug 18, which shows the applicant presented for evaluation of his pain on right foot, back of the heel area. On 4 Jun 18, he heard a pop on his Achilles tendon. He was able to walk but could not run due to the pain at the back of the heel; 2) DVA Podiatry note dated 14 Sep 18, which shows the applicant was seen for follow-up with painful right back of the heel and Achilles tendon; 3) DVA Podiatry note dated 26 Nov 18, which states he was seen for right foot calcaneal spur and Haglund deformity excision. Date of surgery was 9 Nov 18 and a treatment plan with follow-up was noted; 4) DVA Podiatry note dated 21 Dec 18, it shows the applicant was seen and examined for follow up of right foot calcaneal spur and Hegland deformity excision. The treatment plan includes that a letter for release of work with restrictions was dispensed; and 5) DVA Radiology report dated 9 Nov 18, noting interval increase in Achilles tendinopathy with longitudinal interstitial split tear within the medial aspect of the tendon. Mild retrocalcaneal bursitis, increased intraosseous cystic change and edema within the calcaneus at the insertion of the Achilles tendon.

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AIR FORCE EVALUATION

AFPC/DPFA recommends partial grant for MEDCON orders for the period of 13 Nov 18 to 9 Dec 18. The applicant met all eligibility criteria for MEDCON orders during this time.

The applicant was on qualifying orders when he reagravated a right foot condition. A line of duty (LOD) was initiated on 9 Jul 18 for his injury to his Achilles tendon, unspecified foot. He reported his injury to the DVA Podiatry Clinic where radiographs revealed a large retrocalcaneal spur. Surgery was completed on 9 Nov 18. The LOD was not finalized until 13 Nov 18, beyond the 70 working day target for LOD processing. While the reason for the delay was unknown, it affected the applicant's ability to apply for MEDCON orders in a timely manner. Further, there was not sufficient time to apply for MEDCON prior to his return to duty on 10 Dec 18. AFPC/DPFA finds the delayed processing of the LOD resulted in an injustice.

The complete advisory opinion is at Exhibit J.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 15 Aug 23 for comment (Exhibit K). He first notified his medical group (MDG) and his chain of command in an email dated 13 Sep 18 of his condition. He advised he had a heel spur broken off and buried in his Achilles. It was also torn and he was scheduled for surgery at the DVA on 31 Oct 18. He asked if he could be placed on active duty while he healed. He noted he would have his cast/boot off in approximately four to six weeks and would be evaluated. In a second email dated 7 Nov 18, he informed his unit he would be having heel surgery on 9 Nov 18 and asked if he would be placed on MEDCON orders or Incapacitation (INCAP) Pay.

The applicant's complete response is at Exhibit L.

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 concludes the applicant is the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DPFA and finds a preponderance of the evidence substantiates the applicant's contentions in part. While we note, the applicant requests he be placed on MEDCON orders for the period of 9 Nov 18 to 10 Dec 18. However, based on the evidence, it appears the correct dates are 13 Nov 18 (the date the LOD was finalized) to 9 Dec 18 (the date prior to the applicant's return to duty). Therefore, the Board recommends correcting the applicant's records as indicated below.
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 pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show he was placed on MEDCON orders for the period 13 Nov 18 to 9 Dec 18.

However, regarding the remainder of the applicant’s request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

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-2021-01830-3 in Executive Session on 27 Sep 23:

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

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

- Exhibit G: Record of Proceedings, w/ Exhibits A-F, dated 18 Jan 22.
- Exhibit H: Application, DD Form 149, w/atchs, dated 29 Jun 23.
- Exhibit I: Documentary evidence, including relevant excerpts from official records.
- Exhibit J: Advisory Opinion, AFPC/DPFA, dated 9 Aug 23.
- Exhibit K: Notification of Advisory, SAF/MRBC to Applicant,, dated 15 Aug 23.
- Exhibit L: Applicant’s Response, w/atchs, dated 13 Sep 23.

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.

10/23/2023

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Board Operations Manager, AFBCMR
Signed by: USAF