



CUI//SP-MIL/SP-PRVCY

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-01983

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Report of Separation from the Armed Forces of the United States*, be updated to reflect his discharge was due to his service-connected disabilities which were aggravated by military service.

APPLICANT'S CONTENTIONS

He received a favorable appellate decision from the Board of Veteran's Appeals which granted him a 30 percent disability rating for various cardiac conditions. He applied for a Department of Veterans Affairs (DVA) impairment rating and once granted, thought this would qualify him for a DVA home loan but was told his DD Form 214 needed to show he was discharged due to his service-connected disabilities.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force private (E-1).

On 10 Mar 52, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFR 35-49, *Physical Evaluation, Hospitalization, Disability Retirement, and Disability Discharge*, due to a physical condition that existed at the time of his entrance on his current active duty tour.

On 13 Mar 52, WD AGO Form 6-118, *Disposition Board Proceedings*, indicates the applicant was diagnosed with rheumatic valvulitis, inactive, with aortic insufficiency, with a line of duty (LOD) determination indicated as no, and existed prior to service (EPTS) with a recommendation of immediate discharge.

On 26 Mar 52, the applicant received an honorable discharge. His narrative reason for separation is "Physical Defect EPTS and Not Aggravated by Military Service" and he was credited with two months and two days of total active service.

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POC: SAF.MRBC.Workflow@us.af.mil

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

AIR FORCE EVALUATION

The AFBCMR Medical Advisor recommends denying the application. After an extensive review of the available records and based upon the known pathophysiology of rheumatic fever (RF) being brought on by a bacterial source, the Medical Advisor opines that the applicant's upper respiratory illness (URI) while in Basic Military Training (BMT) was simply a collection of symptoms that were not associated with active RF disease and the complete work-up of medical tests being normal, only provided a level of near certainty that no service aggravation of a pre-existing condition occurred. The inconsistent physical exam (PE) finding of an objective heart murmur during the six month period between his failed attempt to join the Navy and his separation from the Air Force demonstrated a great degree of evidence in showing that service aggravation of his obvious pre-existing condition was not a factor. The mere granting of service connection by the DVA for a pre-existing, non-service aggravated condition as well as a host of other non-related conditions 70 years after the fact does not automatically render the DoD medical board decision as erroneous. Lastly, the Board may place additional weight to this recommended denial by virtue of the extended age of the case with the alleged error or injustice dated, 26 Mar 51; 70+ years ago.

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 31 May 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. 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.

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 Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.5, considered Docket Number BC-2021-01983 in Executive Session on 24 Aug 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/atch, dated 2 May 21.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFBCMR Medical Advisor, dated 24 May 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 31 May 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.

5/15/2023

 *Work-Product*

Board Operations Manager, AFBCMR
Signed by: USAF