



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-2021-03436

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Her DD Form 214, *Certificate of Release or Discharge from Active Duty*, be corrected to reflect a permanent retirement.

APPLICANT'S CONTENTIONS

Upon discharge, her injuries were deemed to be permanent, and she would no longer be able to return to service.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a medically retired Air Force senior airman (E-4).

On 23 Aug 00, the applicant received an honorable discharge. Her narrative reason for separation is "Disability, Temporary." She was credited with 3 years, 11 months, and 26 days of total active service.

On 24 Aug 00, AF IMT 618, *Medical Board Report*, indicates the applicant was referred to the Informal Physical Evaluation Board (IPEB) for cerebral trauma and cerebral edema with elevated intracranial pressure with frontal subdural hematoma, comatose, requires mechanical ventilation.

On 24 Aug 00, AF Form 356, *Findings and Recommended Disposition of USAF Physical Evaluation Board*, indicates the applicant was found unfit due to her medical condition of cerebral trauma and cerebral edema with elevated intracranial pressure with frontal subdural hematoma, comatose, requires mechanical ventilation and recommended temporary retirement with a 100 percent compensable disability rating.

On 24 Aug 00, Special Order Number *Work-Product* dated 24 Aug 00, indicates the applicant was placed on the temporary disability retired list (TDRL) in the grade of senior airman per AFI 36-3212, *Physical Evaluation for Retention Retirement and Separation*, with compensable percentage for physical disability of 100 percent.

On 26 Jun 02, AF Form 356, indicates the applicant was found unfit due to her cerebral trauma with residual cognitive disorder and recommended discharge with severance pay (DWSP) with a disability rating of 10 percent.

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Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

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On 19 Jul 02, Action on Physical Evaluation Board Findings and Recommended Disposition Memo, indicates the applicant did not agree with the recommended findings and requested appearance before the Formal Physical Evaluation Board (FPEB).

On 4 Sep 02, AF Form 356, indicates the applicant was found unfit and recommended DWSP with a disability rating of 10 percent. On this same date, AF Form 1180, *Action on Physical Evaluation Board Findings and Recommended Disposition*, indicates the applicant did not agree with the recommended findings.

On 30 Oct 02, AF Form 356, indicates the applicant was found unfit due to her medical condition of cerebral trauma with residual cognitive disorder, mild social and industrial adaptability impairment and recommended temporary retirement with a 30 percent compensable disability rating.

On 10 Nov 03, AF Form 356, indicates the applicant was found unfit for her medical condition of cerebral trauma and recommended DWSP with a disability rating of 10 percent.

On 19 Jan 04, Special Order Number [Work-Product], dated 30 Dec 03, indicates the applicant was removed from the TDRL and discharged in the grade of senior airman by reason of physical disability per AFI 36-3212 with entitlement to disability severance pay.

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

AIR FORCE EVALUATION

AFPC/DPFDC recommends denying the application. Based on the documents provided by the applicant, the analysis of the facts and the full review of the IPEB, there is no evidence an error or injustice occurred during the processing of her medical case. The Informal Physical Evaluation Board (IPEB) disapproved the applicant's TDRL re-evaluation request. She was placed on Retained on TDRL in 02 for "Cognitive Disorder Secondary to Motor Vehicle Accident Causing Cerebral Trauma" with a disability rating of 30 percent. The IPEB re-evaluated her condition on 10 Nov 03 and found her condition had improved. The IPEB recommended DWSP with a disability rating of 10 percent. No further action was seen by the FPEB or Secretary of the Air Force Personnel Council (SAFPC) in her record, so the IPEB's 10 percent rating is final.

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 21 Jul 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 AFPC/DPFDC 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 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-2021-03436 in Executive Session on 30 Nov 22:

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 A: Application, DD Form 149, w/atchs, dated 3 Mar 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPFDC, dated 21 Jul 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 21 Jul 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.

10/20/2023

Work-Product [Redacted]

Board Operations Manager, AFBCMR
Signed by: USAF