



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-2022-00158

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Reconsideration of his disapproved claim for Combat-Related Special Compensation (CRSC).

APPLICANT'S CONTENTIONS

His disabilities of sinusitis and otitis externa, right ear occurred during his military service. His disabilities were caused by exposure to secondhand cigarette smoke and dry air conditions in an enclosed environment (confined cockpit) that did not provide adequate ventilation while working as a combat crewmember in an instrumentality of war (plane).

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 1 Mar 00, according to Special Order *Work-Product*, dated 3 Apr 01, the applicant was retired in the grade of O-5.

On 30 Sep 19, according to DD Form 2860, *Claim for Combat-Related Special Compensation (CRSC)*, provided by the applicant, he submitted a CRSC claim for chronic sinusitis and otitis externa, right ear.

On 25 Oct 19, AFPC/DPFDC published a letter dated 25 Oct 19, informing the applicant his request for CRSC was denied. Documentation provided did not confirm his disabilities were a direct result of Armed Conflict, Hazardous Service, Simulation of War or an Instrument of War. He was informed if he had additional documentation such as in-service medical records from the time of injury that confirms both the injury and how it occurred (combat-related event), he could submit a request for reconsideration.

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 documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice. While the medical documentation provided by the applicant supports his disabilities were diagnosed while

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in service, the evidence does not confirm his disabilities were direct result of Armed Conflict, Hazardous Service, Simulation of War, or an Instrument of War.

The fact that a member incurred the disability during a period of war; while serving in an area of armed conflict; and/or while participating in combat operations is not sufficient by itself to support a combat-related determination in accordance with 10 U.S.C. § 1413a and DoD Financial Management Regulation, Vol 7B, Chapter 6. When making combat-related determinations, with regard to Armed Conflict, Hazardous Service, Simulation of War, or an Instrument of War, the board looks for a definite, documented, causal relationship between the armed conflict and the resulting disability.

The Department of Veterans Affairs awards service connected disabilities based on their standards. They resolve doubt in the interest of the veteran and grant service connection for injuries or diseases incurred while in service. While service connection for disabilities is required for initial eligibility for CRSC consideration, CRSC program standards are much more rigorous when determining if claimed disabilities qualify as combat related.

To grant relief would be contrary to the criteria established by Title 10 U.S.C. § 1413a, and Office of the Under Secretary of Defense Guidance.

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

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 not the victim of an error or injustice. The applicant has provided insufficient in-service medical evidence his sinusitis and otitis externa, right ear is the result of his flight duties (confined cockpit) over his career and secondhand smoke exposure due to a combat-related event. Therefore, 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. Accordingly, the Board recommends against correcting the applicant's records.

RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, 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 (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2022-00158 in Executive Session on 19 Jan 23:

Work-Product [Redacted] Panel Chair
Work-Product [Redacted] Panel Member
[Redacted] Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 2 Nov 21.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPFDC, w/atchs, dated 2 Jun 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 22 Jun 22.

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.

[Redacted] 9/3/2024
Work-Product

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