



**CUI//SP-MIL/SP-PRVCY**

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

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-00695

*Work-Product*

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

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**APPLICANT'S REQUEST**

His Air National Guard (ANG) retirement be changed to a medical retirement.

**APPLICANT'S CONTENTIONS**

While on active duty, he was sent before a Medical Evaluation Board (MEB) for a duty limiting condition to which he had to get a yearly medical waiver to stay in the service. When he separated from active duty to join the *Work-Product* ANG, he had to get a medical waiver to join. While in the *Work-Prod...* ANG, he went before another MEB for a separate duty limiting condition. When he transferred to the *Work-Product* ANG, he later found out they enlisted him before the medical waiver was approved and the yearly requirement for the waiver had not been completed since 2016. During his time in the *Work-Product* ANG, he was unable to complete most of his physical fitness requirements. Upon separation, he was advised that there was nothing of real concern in his medical history to warrant a review by the state medical official. They just wanted to get him out of the system and not highlight the fact that appropriate procedures had not been followed in six years. In support of his claim, the applicant provided his Department of Veterans Affairs (DVA) disability summary letter showing his 100 percent disability rating.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a former Air National Guard master sergeant (E-7) awaiting retired pay at age 60.

On 5 Jun 07, AF IMT 618, *Medical Board Report*, indicates the applicant was referred to the Informal Physical Evaluation Board (IPEB) for ulcerative colitis.

On 13 Aug 07, AF Form 356, *Informal Findings and Recommended Disposition of USAF Physical Evaluation Board*, indicates the applicant's medical condition of ulcerative colitis was found as a Category II condition that can be unfitting but is not currently unfitting with a recommendation of "Return to Duty."

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Controlled by: SAF/MRB  
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On 15 Aug 07, the applicant was assigned an Assignment Limitation Code (ALC) of C-2 and was returned to duty with the next review in lieu of (RILO) MEB due 15 Aug 08 with a Gastrointestinal specialty evaluation required.

On 1 Feb 10, the applicant was assigned an ALC of C-2 and was returned to duty with the next RILO MEB due at his next physical health assessment with a Gastroenterology specialty evaluation required.

On 10 Jun 12, DD Form 214, *Certificate of Release or Discharge from Active Duty*, reflects the applicant was honorably discharged in the grade of technical sergeant (E-6) after serving 13 years, 7 months, and 20 days of active duty. He was discharged, with a narrative reason for separation “Completion of Required Active Service.”

Dated 12 Feb 14, AF IMT 1288, *Application for Ready Reserve Assignment*, indicates the applicant was assigned to the [Work-Product] ANG and desired to transfer to the [Work-Product] ANG. The form indicates the applicant completed the fitness program and met the physical qualifications for continued service. On 2 Apr 14, he was medically cleared.

On 7 Apr 14, NGB Form 22, *National Guard Bureau Report of Separation and Record of Service*, reflects the applicant was honorably discharged from the [Work-Product] ANG after serving 1 year, 5 months, and 10 days of net service this period. He was discharged, with a narrative reason for separation of “Enlist ANG another state.”

According to Special Order [Work-Product] dated 2 May 12, the applicant was relieved from assignment with the [Work-Product] ANG and honorably discharged effective 7 Apr 14. On 8 Apr 14, the applicant enlisted in the [Work-Product] ANG.

On 29 Nov 21, NGB Form 22, reflects the applicant was honorably discharged from the AR ANG after serving 7 years, 7 months, and 22 days of net service this period. He was discharged, with a narrative reason for separation of “Transfer to the USAF Reserve Retired List – Retirement Voluntary/Under Age 60.”

On 2 Dec 21, a Notification of Eligibility for Reserve Retired Pay at Age 60 was sent to the applicant indicating he completed the required years for service under the provisions of Title 10 U.S.C. Section 12731 and would be entitled to retired pay upon his application, normally at age 60.

Dated 10 Mar 22, Special Order [Work-Product] indicates the applicant was honorably discharged from the ANG and transferred to the USAF Reserve Retired List effective 29 Nov 21.

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

**AIR FORCE EVALUATION**

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The AFBCMR Medical Advisor recommends denying the application finding insufficient evidence to demonstrate the existence of an applied error or intentional injustice. Although there was tardiness of submission regarding the Disability Evaluation System (DES) processing, no contrasting outcome would have occurred. Based on the record review coupled with DES and regulatory guidance, the applicant was not eligible for a medical retirement and all obligated criteria were in place for a proper regular retirement from the ANG. His retirement, as conducted, was appropriate and accomplished in accordance with Air Force and Guard policy.

The evidence clearly showed the applicant, although having two documented disqualifying medical conditions while serving in both active duty and in the guard, neither were of the intensity to preclude him from performing the duties of his office, grade, rank, or rating. In other words, neither condition was deemed to be unfitting. During the DES process, his Return to Duty (RTD) status was under C-coded restrictions. Documents revealed both categories of C-1 initially and C-2 later while performing guard duty. While the Medical Advisor found the applicant's statement of "When I transferred from the **Work-Product** ANG to **Work-Product** ANG (2014) I later found out that they enlisted me before getting approval from the state for my medical issues" accurate as stated, the critical fact is that he was returned to duty. By dating parameters alone, it did appear there was a significant delay by the service in requesting any sort of a waiver to be processed around the time of transitioning into the **Work-Product** ANG. Specifically addressing the applicant's comment of "Upon separation I was advised that there was nothing of real concern in medical [sic] history to warrant a review by the state medical official, which in my assessment was made in order to get me out of the system and not highlight the fact that the appropriate procedures had not been followed at the unit in six years" the Medical Advisor would agree having the assignment limitation code already authorized by the Air Force Personnel Center and not having knowledge of a second (diagnosed later) potentially unfitting obstructive sleep apnea (OSA) condition, warranting an examination by state medical officials would be unnecessary. No potential unfitting health condition was ever determined a Category I condition and therefore, with waivers in place and annual RILOs showing improvement while in service, no such DoD impairment rating would be appropriate. Therefore, a medical retirement was not an accurate approach to his separation.

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 13 Oct 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 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. Therefore, the Board recommends against correcting the applicant's records.

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 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 the 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-2022-00695 in Executive Session on 21 Dec 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 1 Mar 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFBCMR Medical Advisor, dated 30 Sep 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 13 Oct 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.

9/5/2024

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