

RECORD OF PROCEEDINGS

IN THE MATTER OF:

XXXXXXX XXXXXXXXX

DOCKET NUMBER: BC-2022-00930

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

He deployed overseas in the Persian Gulf region and was repeatedly exposed to mortar shell explosions causing acoustic trauma that resulted in a diagnosis of tinnitus.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force technical sergeant (E-6).

On 1 Jun 08, according to Special Order **Work-Product**, dated 3 Dec 07, the applicant was retired in the grade of E-6.

On 10 Nov 21, the applicant submitted DD Form 2860, *Claim for Combat Related Special Compensation (CRSC)*.

On 4 Jan 22, AFPC/DPFDC published a letter dated 4 Jan 22, informing the applicant his request for CRSC was denied. Documentation provided did not confirm a combat-related acoustic trauma as the cause of his tinnitus/hearing loss. Additionally, he was informed if he had in-service medical evidence that indicates he suffered from acute combat-related trauma resulting in his condition, 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. There was no evidence provided such as in-service medical records from the time of injuries that confirms both injuries and how they occurred (combat-related event) to confirm his disabilities were direct result of Armed Conflict, Hazardous Service, Simulation of War or an Instrument of War.

The fact 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 definite, documented, causal relationship between the armed conflict and the resulting disability.

To award CRSC, the board considers the occupation of the individual and the continual or direct (close proximity) exposure to combat-related noise hazards the individual was subjected to during his or her career. Based on input from functional area experts, the CRSC board determined the applicant's career field is one of the specialties considered to have occasional or indirect exposure to qualifying combat-related noise. Therefore, to award CRSC, there must be clear documentation of an acoustic trauma occurring due to a combat-related event. Documentation provided does not confirm a combat-related acoustic trauma caused the applicant's tinnitus/hearing loss.

The Department of Veterans Affairs awards service connected/combat relatedness 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 11 May 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 tinnitus is the result of an acoustic trauma occurring 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-2022-00930 in Executive Session on 19 Jan 23:

XXXXXXX, Panel Chair
XXXXXXX, Panel Member
XXXXXXX, Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 9 Mar 22.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, AFPC/DPFDC, w/atchs, dated 10 May 22.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 11 May 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.

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Board Operations Manager, AFBCMR