



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-2022-01207

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

Her discharge be changed from Honorable to Medical.

APPLICANT'S CONTENTIONS

During the time of her discharge, she was dealing with mental health issues. She was found unfit for duty due to anemia requiring iron infusions. She agreed with the findings of the Physical Evaluation Board (PEB) but was never given a rating. The symptoms of the anemia and fibromyalgia which was documented in her military record, caused her to fail her physical training (PT) test and the stress of not passing, lead to anxiety and depression. No line of duty (LOD) determinations was ever accomplished. Her current physical and mental health concerns are affecting her life and the Department of Veterans Affairs (DVA) has denied compensation requests.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force Reserve senior airman (E-4).

On 17 Dec 10, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant entered the Air Force Reserve.

On 21 Jul 14, according to a Narrative Summary-Initial, the applicant was recommended for retention with an assignment limitation code (ALC).

On 28 Aug 14, according to an AFRC/SGP Memorandum, the applicant was determined to be medically disqualified for continued military duty in accordance with AFI 48-123, *Medical Examinations and Standards*, due to a diagnosis of iron deficiency anemia.

On 22 Feb 15, according to the Member Utilization Questionnaire, the applicant's commander recommended the applicant not be returned to duty due to having a medical condition that resulted in her not meeting medical standards.

On 13 Mar 15, according to ARPC/DPTTS Memorandum, the applicant was determined to be disqualified for continued military duty due to iron deficiency anemia, she elected a fitness review and the case was referred to the Disability Evaluation System (DES) for a fitness determination.

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On 17 Mar 15, according to an AFPC/DPFDI Memorandum, the Informal Physical Evaluation Board (IPEB) found the applicant unfit due to her recurrent, intractable anemia and recommended separation.

On 30 Mar 15, the applicant elected to have her case referred to the Formal PEB (FPEB) for a fitness determination and acknowledged understanding if her case is non-duty related that it would be for Fitness only.

On 30 Jul 15, the applicant waived her earlier election for an FPEB hearing and concurred with the earlier recommendation of the IPEB.

On 17 Aug 16, the discharge authority directed the applicant be discharged from the Air Force Reserve (AFR) with an honorable service characterization in accordance with AFI 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*, paragraph 3.14, Physical Disqualification.

On 1 Nov 16, according to Reserve Order Work-Product dated 19 Oct 16, the applicant was discharged from the AFR with an honorable characterization of service.

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

AIR FORCE EVALUATION

AFRC/SGO 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 were no medical records submitted in the applicant's medical case that went through AFRC/SGO with any diagnosis for a mental health concern. By the applicant's own statement, she started treatment for this condition in 2015. (She was found disqualified in 2014). There are no available or included records discussing significant mental health issues other than the DVA disability exam. AFRC/SGO does not make decisions for medical retirement, but they direct whether the case is processed through the Fitness for Duty (Non-Disability) or Medical Evaluation Board (MEB)/Integrated Disability Evaluation System (IDES). As the applicant did not have any Line of Duty (LOD) determinations, which are required for IDES processing, therefore, she is not eligible for a medical retirement. Her iron deficiency anemia existed prior to service (EPTS) and was not service aggravated; therefore, not ILOD. The applicant's anemia was presumably caused by heavy menstruation which is not unique to or aggravated by military service. There are not enough records to confirm that fibromyalgia EPTS, but the applicant was not on orders for greater than 30 days when fibromyalgia was diagnosed; therefore, it would only be the preponderance of evidence to overcome the presumption of ILOD and medical process would have considered this condition not ILOD. Finally, the only records available for review stated the applicant's anxiety was diagnosed after military discharge and therefore not ILOD.

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 27 Oct 22 for comment (Exhibit D), and the applicant replied on 29 Nov 22. In her response, the applicant again contends she was not out processed properly and never received a DVA rating. She had no help or support from her unit. She applied to the DVA for compensation and was continuously denied. Her discharge involved an error because she was found unfit for duty due to a medical condition.

The applicant's complete response is at Exhibit E.

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 AFRC/SGO 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)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence. 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.
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 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 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-2022-01207 in Executive Session on 22 Feb 23:

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| 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/atchs, dated 30 Apr 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFRC/SGO, dated 21 Oct 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 27 Oct 22.
- Exhibit E: Applicant's Response, 29 Nov 22.

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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.

12/5/2023

Work-Product

Board Operations Manager, AFBCMR

Signed by:

Work-Product

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