



**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:**

*Work-Product*

**DOCKET NUMBER:** BC-2022-02021

**COUNSEL:** *Work-Product*

**HEARING REQUESTED:** YES

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**APPLICANT'S REQUEST**

He be credited with five (5) satisfactory years of service for his retention/retirement (R/R) years of 5 Oct 16 to 4 Oct 21.

**APPLICANT'S CONTENTIONS**

On 11 Jan 17, he was diagnosed with a Personality Disorder by the base Mental Health clinic, who immediately started an expedited administrative discharge. However, an unreasonable amount of time passed, approximately four and one-half years, before he was able to meet an administrative discharge board. During this time period, he was put on a no pay, no points status due to his diagnosis of Personality Disorder. On 10 May 21, the administrative discharge board convened and found he was misdiagnosed and was to be retained in the Air Force Reserve. Due to this misdiagnosis, he was forced to take himself out of flying duties and his civilian job with United Postal Service (UPS) Airlines which cost him salary, longevity towards retirement, 401K contributions and growth, and pay raises resulting in economic hardship that he will never recover. He was able to start back at his civilian job flying for UPS Airlines the day following the administrative discharge board decision; however, he was denied the opportunity to fly again at his Reserve unit.

Prior to his misdiagnosis, he had 16 years of satisfactory service; approximately 4450 points towards retirement and 9 years of active duty equivalent time, and averaged around 280 points per year.

Due to the misdiagnosis by the military doctor, made right by the findings of the administrative discharge board, he feels it is only right that he be made whole again and given at a minimum, points for good years missed and the opportunity to retire honorably from the Air Force Reserve.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is an Air Force Reserve major (O-4).

On 13 Oct 17, according to Aeronautical Order Number *Work-Pro...* dated 25 Oct 17, and Aeronautical Order Number *Work-Pro...* dated 21 Jan 19, aviation service was terminated as the member failed to maintain medical certification and was medically disqualified.

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On 10 May 21, according to the *Findings and Recommendation Worksheet*, provided by the applicant, the Board found that he was not properly diagnosed with a Personality Disorder and that there was no basis for discharge.

According to the Point Credit Accounting Record System (PCARS) report, he was credited with the following Active Duty (AD), Inactive Duty for Training (IDT), membership (MBR), and retirement points from 2016 to 2022:

R/R Year	AD	IDT	MBR	Retirement	Satisfactory Service (Year)
5 Oct 15 – 4 Oct 16	84	80	15	179	010000
<b>*5 Oct 16 – 4 Oct 17</b>	<b>7</b>	<b>22</b>	<b>15</b>	<b>44</b>	<b>000000</b>
<b>*5 Oct 17 – 4 Oct 18</b>	<b>0</b>	<b>0</b>	<b>15</b>	<b>15</b>	<b>000000</b>
<b>*5 Oct 18 – 4 Oct 19</b>	<b>0</b>	<b>0</b>	<b>15</b>	<b>15</b>	<b>000000</b>
<b>*5 Oct 19 – 4 Oct 20</b>	<b>0</b>	<b>0</b>	<b>15</b>	<b>15</b>	<b>000000</b>
<b>*5 Oct 20 – 4 Oct 21</b>	<b>0</b>	<b>0</b>	<b>15</b>	<b>15</b>	<b>000000</b>
5 Oct 21 – 4 Oct 22	5	33	15	53	010000

**\*Unsatisfactory Years**

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

**APPLICABLE AUTHORITY/GUIDANCE**

AFMAN 36-2136, *Reserve Personnel Participation*, 6 Sep 19, paragraph 1.7. Medical Qualifications. All reservists have to meet the medical standards in AFI 48-123, *Medical Examinations and Standards* and the associated Medical Standards Directory (MSD) to be considered medically qualified to fully participate in the Air Force Reserve. **(T-2) Note:** Air Force Reserve commanders may initiate involuntary transfer to the Individual Ready Reserve for failing to meet medical standards. Reservists with any expired Individual Medical Readiness (IMR) requirement as defined in AFI 10-250 will not participate in any point-gaining activities other than a military medical/dental evaluation or examination consistent with DoDI 1215.06. **(T-0).** This also includes reservist’s failing to provide required medical records from private providers to facilitate a determination of the reservist’s fitness for duty. **Exception:** A detachment commander may authorize participation for other than medical/dental evaluation or examination if the expiration was caused by the availability of medical provider(s) rather than delinquency of the reservist.

**AIR FORCE EVALUATION**

AFRC/SG defers their recommendation to AFRC/A1KK. The applicant was diagnosed with a potentially disqualifying condition of Personality Disorder from medical evaluations on 28 Dec 16 and 11 Jan 17. As such due to that diagnosis, he was appropriately not allowed to participate in any pay or point gaining activity.

Air Force Instruction 36-2254, *Reserve Personnel Participation*, Vol 1, 26 May 10, paragraph 1.6.3 states, “A member identified as having a potentially disqualifying condition in accordance with AFI 48-123, Attachment 2, notated on an AF Form 469, *Duty Limiting Condition Report*, by any Air Reserve Component (ARC) or Active Duty (AD) medical squadron will not be allowed to participate in any pay or point gaining activity until the disqualifying condition has been removed

or an approved waiver is received from AFRC/SG in accordance with AFI 34-123.” However, on Feb 19 an interim policy change, which was eventually codified in a new instruction which superseded AFI 36-2254 Vol 1. Air Force Manual (AFMAN) 36-2136, *Reserve Personnel Participation*, 6 Sep 19, paragraph 1.7.3 was enacted and states, “A member placed on a Duty (DR), Mobility (MR) or Fitness (FR) restrictions via an AF Form 469, *Duty Limiting Condition Report*, issued by any Air Reserve Component or active duty medical squadron may participate for pay and points within the restrictions outlined in the member’s AF Form 469. The commander will carefully consider the member’s documented physical limitations, safety (to include travel to and from duty location) and mission requirements and allow the member to participate within the restrictions outlined on the member’s AF Form 469. Commanders choosing to restrict a member’s participation will formally notify them in writing. A copy of the notification letter restricting the member from participation must be sent to the servicing Force Support Squadron (FSS) who will update the member’s Duty Status Code to 14 in the Military Personnel Data System (MilPDS). The Commander must formally notify the FSS in writing when a member’s previous restriction is removed or finalized. Additionally, any Inactive Duty Training (IDT) which is missed due to medical limitations will be considered excused. If the commander determines a member may safely perform any duties, a letter outlining these duties and restrictions must be presented to and acknowledged by the member.” However, the applicant’s submission does not include any information whether his commander communicated to him in writing about specific participation restrictions following the Feb 19 policy change. If the applicant was not provided written participation restrictions from his commanders, then restoration of participation points could be considered.

While the discharge review board, according to the “Findings and Recommendation Worksheet” dated 10 May 21, found that the applicant “was not properly diagnosed with a Personality Disorder, which does not render him unsuitable for continued military service. The finding in the allegation does not form a basis for discharge under AFI 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*, paragraph 2.34.7.1.1. Recommend the Respondent be (retained) (separated with an Honorable Discharge). However, according to AFI 36-3209, dated 14 Apr 05 (Incorporating thru Change 3, 20 Sep 11), paragraph 4.15.1, “The functions and duties of an administrative discharge board are purely administrative. The board determines its findings and recommendations in closed session with only voting members present. Voting members must make clear, logical findings of fact, based on the evidence admitted at the board hearing, and then make recommendations that are appropriate and consistent with such findings and the provisions of this instruction.” Therefore, due to the purely administrative nature of the discharge board, and the fact that no additional clinical evaluations refuting the Personality Disorder diagnosis were provided for consideration, it is not valid for a discharge board to “overturn” medical diagnosis so his diagnosis of Personality Disorder as a potentially disqualifying condition still applies.

The complete advisory opinion is at Exhibit C.

AFRC/A1KK recommends denying the request. Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice as there is no evidence the applicant should not have been placed in a no pay, no points status as in accordance with AFI 36-3209, paragraph 1.6.3. Further, as stated in AFI 36-3209, paragraph 4.15.1, the functions and duties of an administrative discharge board are purely administrative. Thus, their findings do not negate a diagnosis made by medical professionals. Finally, the applicant did not provide for consideration additional clinical evaluations which refute the personality disorder diagnosis, nor did he provide any evidence that the diagnosis was removed or rescinded from his record.

The complete advisory opinion is at Exhibit D.

### **APPLICANT'S REVIEW OF AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 5 May 23 for comment (Exhibit E), and the applicant replied on 6 May 23. In his response, the applicant provided four progress report notes from his civilian mental health provider for the time frame of 19 Dec 16 to 22 Aug 17. In the last progress note, dated 22 Aug 17, his provider states that the applicant no longer shows evidence of a clinically significant degree of depression or anxiety, and therefore, the provider believes that their initial diagnosis of Adjustment Disorder with Mixed Feelings is largely resolved and that the applicant is ready to return to work.

The applicant's complete response is at Exhibit F.

### **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 the victim of an error or injustice. While the Board notes the recommendation of AFRC/SG and AFRC/A1KK against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions. Although the discharge board found there was no basis to discharge the applicant for a personality disorder on 10 May 21, the applicant acknowledges he was correctly placed on a no pay, no points status immediately after he was diagnosed with a personality disorder on 11 Jan 17. The applicant asserts the restrictions should have been removed when his doctor cleared him of having a personality disorder on 22 Aug 17 as indicated in the documentation from his medical provider which shows he did not exhibit signs of a personality disorder or other psychiatric disorders. Based on these facts, it appears the applicant was fit-for-duty as of 22 Aug 17 at which time he should have been able to participate and earn points towards his retirement. Therefore, the Board recommends correcting the applicant's records as indicated below.
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 pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show his Reserve Component participation record reflect:

- a. He was awarded six (6) additional non-paid inactive duty points for Retention/Retirement Year ending 4 October 2017, and this period is a year of satisfactory Federal service.
- b. He was awarded thirty-five (35) additional non-paid inactive duty points for Retention/Retirement Year ending 4 October 2018, and this period is a year of satisfactory Federal service.
- c. He was awarded thirty-five (35) additional non-paid inactive duty points for Retention/Retirement Year ending 4 October 2019, and this period is a year of satisfactory Federal service.

d. He was awarded thirty-five (35) additional non-paid inactive duty points for Retirement/Retention Year ending 4 October 20, and this period is a year of satisfactory Federal service.

e. He was awarded thirty-five (35) additional non-paid inactive duty points for Retirement/Retention Year ending 4 October 21, and this period is a year of satisfactory Federal service.

**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-2022-02021 in Executive Session on 30 May 23:

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

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 31 Mar 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFRC/SG, dated 19 Oct 22.
- Exhibit D: Advisory Opinion, AFRC/A1KK, 3 May 23.
- Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 5 May 23.
- Exhibit F: Applicant’s Response, w/atchs, dated 6 May 23.

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.

7/9/2024

X *Work-Product* [Redacted]

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