



CUI//SP-MIL/SP-PRVCY

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

Work-Product

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02261

Work-Product

COUNSEL: Work-Prod...

HEARING REQUESTED: NO

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APPLICANT'S REQUEST

He retroactively be issued Pre-Medical Continuation (MEDCON) orders for the period of 26 Jun 22 to 19 Jul 22, and he receive all pay and allowances for that time period.

APPLICANT'S CONTENTIONS

On 15 Jun 22, while on Title 32 orders for annual training from 13 Jun 22 – 25 Jun 22, he injured his right knee which resulted in surgery being performed at Winn Army Hospital on 24 Jun 22. However, due to administrative errors, his commander failed to submit a timely Pre-MEDCON package to cover the time period between his end of annual tour orders and the start of his MEDCON orders on 20 Jul 22.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force Reserve airman first class (E-3).

According to documents provided by the applicant:

On 13 Jun 22, according to Order Number Work-Product, dated 3 May 22, the applicant was placed on Title 32 United States Code 502(a) orders for the purpose of annual training for the period of 13 Jun 22 – 25 Jun 22.

On 24 Jun 15, according to surgical notes, the applicant had surgery performed for right patella tendon repair.

On 20 Jul 22, according to Order Number Work-Product, dated 3 Aug 22, the applicant was placed on Title 32 USC 502(a) orders for the purpose of Medical Continuation for the period of 20 Jul 22 – 2 Dec 22.

For more information, see the applicant's submission at Exhibit A and the advisory at Exhibit C.

APPLICABLE AUTHORITY/GUIDANCE

Department of the Air Force Instruction (DAFI) 36-2910, Line of Duty (LOD) Determination, Medical Continuation (MEDCON), and Incapacitation (INCAP) Pay, 3 Sep 21, paragraph 6.5, Pre-MEDCON. The purpose of Pre-MEDCON orders of up to 30 days is to allow additional time for ARC members on and, the MTF, RMU or GMU to: 1) ascertain whether the medical condition

AFBCMR Docket Number BC-2022-02261 CUI//SP-MIL/SP-PRVCY

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renders the member unable to perform military duties or unable to meet retention and mobility standards in accordance with DAFMAN 48-123; and 2) provide medical documentation to support a request for MEDCON orders with approval from the member, members' commander (either current commander or reporting commander), the using MAJCOM (who is funding the requirement) and the orders issuing authority. Pre-MEDCON orders cannot be backdated.

Paragraph 6.5.1.1 Pre-MEDCON will be activated upon expiration of members' existing tour.

**AIR FORCE EVALUATION**

NGB/A1PS, recommends granting the applicant's request for backdated Pre-MEDCON orders, with entitlement to all pay and allowances, for the period of 26 Jun 22 – 19 Jul 22. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an administrative error at the wing level. The applicant has provided pertinent supporting documentation that a Pre-MEDCON package was submitted on his behalf by the MDG/SG on 20 Jul 22 with a requested start date of 26 Jun 22. Furthermore, the administrative error at the wing level was highlighted in an email between this office and the MDG/SG on 21 Jul 22.

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 9 Nov 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 the victim of an error or injustice. The Board concurs with the rationale and recommendation of NGB/A1PS and finds a preponderance of the evidence substantiates the applicant's contentions. Therefore, the Board recommends correcting the applicant's records as indicated below.

**RECOMMENDATION**

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show he was placed on Title 32 USC 502(a) orders for the purpose of Medical Continuation for the period of 26 Jun 22 – 19 Jul 22.

**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 2.5, considered Docket Number BC-2022-02261 in Executive Session on 21 Dec 22:

<i>Work-Product</i>	Panel Chair
<i>Work-Product</i>	Panel Member
<i>Work-Product</i>	Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 24 Aug 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/A1PS, dated 7 Nov 22.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 9 Nov 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.

7/19/2023

X **Work-Product**

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Board Operations Manager, AFBCMR  
Signed by: USAF