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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2022-02796

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His reentry (RE) code of "2Q," which denotes "personnel medically retired or discharged" be changed to allow him to continue to serve in the military.

APPLICANT'S CONTENTIONS

He was medically retired on 11 Feb 22 for a condition that no longer exists. To support his claim, he submits medical documents along with a statement from his neurologist.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a medically retired Air Force staff sergeant (E-5).

On 18 Oct 21, AF IMT 618, *Medical Board Report*, indicates the applicant was referred to the Informal Physical Evaluation Board (IPEB) for migraines with aura.

On 22 Nov 21, the Department of Veterans Affairs (DVA) proposed a disability rating for his Category I unfitting medical condition of migraines including migraine variants at 30 percent.

On 30 Nov 21, AF Form 356, *Informal Findings and Recommended Disposition of USAF Physical Evaluation Board*, indicates the applicant was found unfit due to his medical condition of migraines including migraine variants with a disability compensation rating of 30 percent with a recommendation of "Permanent Retirement." The board acknowledged the commander's recommendation for retention noting he was able to perform his in-garrison duties; however, the board found the applicant's medical condition was subjected to frequent, sudden, and unpredictable reoccurrences which required frequent follow-up with medical staff and medication which could not be assured in austere locations limiting the applicant from performing his duties and deploying.

**AFBCMR Docket Number BC-2022-02796
CUI//SP-MIL/SP-PRVCY**

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CUI Categories: SP-MIL/SP-PRVCY
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CUI//SP-MIL/SP-PRVCY

Dated 2 Dec 21, AF Form 1180, *Action on Physical Evaluation Board Findings and Recommended Disposition*, indicates the applicant agreed with the findings and recommended disposition of the board and waived his rights to any further appeal.

Dated 28 Dec 21, Special Order Work-Product indicates the applicant was permanently disability retired in the grade of staff sergeant with a compensable percentage for physical disability of 30 percent, effective 12 Feb 22.

On 11 Feb 22, DD Form 214, *Certificate of Release or Discharge from Active Duty*, reflects the applicant was honorably discharged in the grade of staff sergeant (E-5) after serving 6 years, 5 months, and 11 days of active duty. He was discharged, with a narrative reason for separation of “Disability, Permanent IDES” and a RE code of “2Q.”

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

APPLICABLE AUTHORITY/GUIDANCE

Per AFI 36-2602, *Reenlistment and Extension of Enlistment in the United States Air Force*, Table 5.3, a RE code of “2Q” is a 2-series code, conditions barring immediate reenlistment, which denotes a member is ineligible to reenlist in the Regular Air Force and unless specifically authorized by paragraph 6.6.5 or Table 6.2, is not authorized to extend enlistment.

AIR FORCE EVALUATION

AFPC/DPMSSM (Reenlistments) recommends denying the application finding no evidence of an error or injustice regarding his RE code. The applicant was placed in a permanently disability retired status on 12 Feb 22, after serving 6 years, 5 months and 11 days of service with an honorable character of service. The applicant received a RE code of “2Q” based on his disability retirement.

The complete advisory opinion is at Exhibit C.

The AFBCMR Medical Advisor completed a review of all available records and finds no error or injustice in the processing of the medical boards in this case. The applicant’s condition frequency, specialty care requirement, and care of injectable medications rendered him disqualified for service retention and all avenues of the board proceedings followed applicable instructional guidance.

According to 10 U.S.C. Section 1552(a)(1), the Secretary of a military department may correct any military record of the Secretary’s department when the Secretary considers it necessary to correct an error or remove an injustice ... such corrections shall be made by the Secretary acting through boards of the executive part of that military department. Therefore, the basis of this case for the disposition of this board is to determine if an error existed in performing a full MEB for the applicant’s physical condition. Despite, the favorable commander’s comments, and the Deployment Availability Working Group’s (DAWG) return to duty recommendation, it is up to the medical standards division at AFPC as final authority to enforce full MEB processing. Both,

CUI//SP-MIL/SP-PRVCY

AFI 48-123, *Medical Examinations and Standards*, section A4.15.2.1 as well as line L19 of the *Medical Standards Directory* explicitly note headaches of the applicant's type are disqualifying for service retention and thus the recommendation from AFPC for a full MEB was appropriate. Additionally, their 30 percent rating was also appropriate for he exceeded the 10 percent rating criteria but failed to meet the higher 50 percent impairment rating.

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 16 May 23 for comment (Exhibit E), and the applicant replied on 19 May 23. In his response, the applicant contends the medical condition for which he was medically retired no longer exists and he should have his RE code changed so he can reenter the military. He has not had any neurology appointments or any prescriptions/medicine since his last documented visit. The evidence he presented, including documentation from his neurologist, supports his claim. If needed, he is prepared to present additional evidence. He acknowledges there was no wrongdoing in the medical board process and agrees the assigned RE code "2Q" was appropriate based on his disability at the time of his retirement. However, given the evidence he has provided and the resolution of his previous condition, he strongly believes a reconsideration of his RE code is warranted.

The applicant's complete response is at Exhibit E.

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 recommendations of the AFBCMR Medical Advisor and AFPC/DPMSSM and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board finds his discharge was consistent with the substantive requirements of the discharge regulation and was within the commander's discretion. Furthermore, they find no error or injustice occurred during the disability processing of his case. The applicant has provided no evidence which would lead the Board to believe his RE code was contrary to the provisions of the governing regulation at the time of his separation. The Board understands the applicant's desire to remove the RE code claiming his medical condition no longer exists; however, the RE code annotated on his DD Form 214 represents the condition to which he was separated and is not subject to change unless an error was made in the original annotation. 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

AFBCMR Docket Number BC-2022-02796

CUI//SP-MIL/SP-PRVCY

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 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-2022-02796 in Executive Session on 26 Jul 23:

Work-Product [redacted] Panel Chair
Work-Product [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 27 Oct 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSSM, dated 15 Mar 23.
- Exhibit D: Advisory Opinion, AFBCMR Medical Advisor, dated 13 May 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 15 May 23.
- Exhibit E: Applicant’s Response, dated 19 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.

2/9/2024

Work-Product [redacted] _____

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