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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00246

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His honorable discharge be changed to a medical discharge.

APPLICANT'S CONTENTIONS

His original DD Form 214, *Certificate of Release or Discharge from Active Duty*, stated "Medical Discharge" and the amended DD Form 214 reflects "Secretarial Authority." For him to receive medical benefits from the Department of Veterans Affairs (DVA), a medical discharge is needed.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former United States Air Force Academy (USAFA) cadet.

According to DD Form 214, dated 20 Oct 14, Block 18 *Remarks*, the applicant was issued an amended DD Form 214 to reflect he was a USAFA cadet, was in cadet status from 29 Jun 00 to 17 Aug 01, and his service was not creditable for any purpose in commissioned officer status. The applicant received an honorable character of service and narrative reason for separation of "Secretarial Authority" and corresponding separation code JFF.

According to DD Form 215, *Correction to DD Form 214, Certificate of Release or Discharge from Active Duty*, dated 22 Oct 14, the following additional corrections were made to the amended DD Form 214:

Block 7b, *Home of Record at Time of Entry*, from "Work-Product" to "Work-Product"

Block 8a, *Last Duty Assignment and Major Command*, from "OL DPD DET 1 AF Personnel Ctr FO (APC)" to USAF Academy DU (ACD)"

Block 10, *SGLI Coverage*, from "none" to "\$250,000.00"

Block 27, *Reentry (RE) Code*, from "not applicable" to "4L"¹

¹ Conditions barring immediate reenlistment, separated commissioning program eliminee OTS, AECP and so on.

AFBCMR Docket Number BC-2023-00246

Work-Product

Work-Product

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

AIR FORCE EVALUATION

The BCMR Medical Advisor completed a review of all available records and finds insufficient evidence to support the applicant's request for a medical discharge. There is no evidence what was suggested/written regarding the applicant undergoing a Medical Evaluation Board (MEB) ever took place. Therefore, without pure speculation, the medical advisor cannot confirm a medical discharge either was necessary or if one even occurred. The applicant was separated in the 8th month of 2001 with non-specific adverse health symptoms, but the DVA examination performed in 2012 noting '*idiopathic*' cardiac arrest and *pacer (pace-maker)* '*inserted 2002*' clearly gives pause that if that statement of past history is accurate, then it remains the applicant did have a significant cardiac condition [unknown diagnosis] in some portion of 2002 that more likely than not initially began while serving in the USAFA. However, without additional medical records (i.e., Cardiology report, Narrative Summary, Commander's, or School official impact statement, or MEB/Informal Physical Evaluation Board documents), the medical advisor's recommendation would be heavily dependent on speculation.

The burden of proof is placed on the applicant to submit evidence to support his request. The evidence he did submit was incomplete as to support his request for any change in his separation documents. However, if the applicant submits sufficient and or suggested medical record evidence to support his claim of a "medical discharge" that occurred in 2001, his request would be reconsidered.

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 8 Aug 23 for comment (Exhibit D), and the applicant replied on 19 Sep 23. In his response, the applicant provided 196 pages of medical documentation for consideration.

The applicant's complete response is at Exhibit E.

ADDITIONAL AIR FORCE EVALUATION

The BCMR Medical Advisor completed a review of the newly submitted records and finds insufficient evidence to support the applicant's request for a medical discharge. As per the prior advisory, the request for further medical records was submitted by the applicant in his response with an additional 196 pages of documentation. Although the additional documents were significantly helpful in bringing more clarity to the timeline of events and symptom intensity, a single issue remained ambiguous, and the medical advisor opines that such additional information is necessary as to make a fair and just recommendation to the Board. The hospital discharge summary written on **14 Sep 02** (post-separation) noted "the patient is a 20-year-old white male with recurrent syncopal episodes **who had an implantable loop recorder**" and the cardiac catheterization laboratory procedure note documented "he underwent an implantable loop recorder monitor **and was monitored for nearly one year.**" The question that remains is **when, why, and where** did the implantation of the applicant's initial cardiac loop monitor recorder take place? An example of a document that would include such information is a 'procedure note' of when they first implanted the device... just like the submitted procedure note from when the loop recorder was explanted, and the pacemaker implanted.

It is with regret after a review of the newly submitted records, the medical advisor once again concludes that although such submission ultimately defined a clearer picture of the applicant's surgical history and physical condition, but it was only at a time that was well past his date of service separation. His additional requested information should foster a significant degree of diagnostic clarity more closely related to his separation date of **Aug 02**. Therefore, the medical advisor recommends denying his current request and upon submission of the requested additional evidence, the Board would reconsider his request.

APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 5 Oct 23 for comment (Exhibit G), but has received no response.

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 the BMCR Medical Advisor and finds a preponderance of the evidence does not substantiate the applicant's contentions. The applicant has not provided sufficient evidence to conclude he was discharged for medical reasons. If the applicant were to provide additional evidence, specifically medical documentation from the time of his discharge, the Board would reconsider his request. 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 Department of the Air Force Instruction 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. 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.

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 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-2023-00246 in Executive Session on 20 Oct 23 and 20 Dec 23:

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 17 Jan 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, BCMR Medical Advisor, dated 31 Jul 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 8 Aug 23.
- Exhibit E: Applicant's Response, w/atchs, dated 19 Sep 23.
- Exhibit F: Additional Advisory Opinion, BCMR Medical Advisor, dated 30 Sep 23.
- Exhibit G: Notification of Advisory, SAF/MRBC to Applicant, dated 5 Oct 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.

12/22/2023

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