



Work-Product

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00472

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His medical continuation (MEDCON) orders be backdated to the end of his Pre-MEDCON orders to cover the period of 11 Oct 22 – 17 Nov 22.

APPLICANT'S CONTENTIONS

Through no fault of his own, his MEDCON orders were delayed due to the implementation of the new MyFSS platform and the inundation of new initial MEDCON cases at the Air Reserve Component Case Management Division (ARC CMD). He was initially placed on Pre-MEDCON on 22 Aug 22. When his medical group (MDG) case manager discovered that new MEDCON cases would not be accepted for nearly three weeks, they requested a 20 day extension to his Pre-MEDCON orders, which was approved and changed his Pre-MEDCON end date to 10 Oct 22. On 13 Oct 22, his MDG case manager was finally able to submit his MEDCON case which was Returned Without Action on 27 Oct 22 due to his medical records being outside the 30 day window. His MDG case manager was able to resubmit his MEDCON request the following day, but approval was again delayed until 21 Nov 22 and only included the period of 18 Nov 22 – 15 Feb 23. Because of the break in orders, he has suffered financial hardships as he was unable to perform his military or civilian duties.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force master sergeant (E-7).

From 27 Dec 21 – 21 Aug 22, according to his DD Form 214, *Certificate of Release or Discharge from Active Duty*, dated 21 Aug 22, the applicant was placed on Active Duty in support of Operation FREEDOM SENTINAL in accordance with Title 10, USC §12302 and §12301(d).

On 22 Aug 22, according to Order number [Work-Product] dated 12 Oct 22 and provided by the applicant, he was placed on Title 10 MEDCON orders from 22 Aug 22 – 10 Oct 22.

On 18 Nov 22, according to Order number [Work-Product] dated 29 Nov 22 and provided by the applicant, he was placed on Title 10 MEDCON orders from 18 Nov 22 – 15 Feb 23.

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

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Controlled by: SAF/MRB
[Work-Product]
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

AIR FORCE EVALUATION

AFPC/DPFA, recommends partially granting the applicant's request. The applicant was on qualifying Title 10 orders from 21 Dec 21 – 21 Aug 22 when he incurred an injury to his left shoulder. On 22 Aug 22, he went on Pre-MEDCON orders for the period of 22 Aug 22 – 10 Oct 22, and on 24 Aug 22, a Line of Duty (LOD) determination was initiated. On 29 Aug 22, he underwent left shoulder surgery, then on 7 Oct 22, he was placed on a mobility restriction profile. On 13 Oct 22, his MEDCON application was submitted and finally, on 15 Oct 22, his LOD became Interim when signed by his immediate commander.

Although the transition to MyFSS may have accounted for the delay in submitting his MEDCON application, the earliest date he was MEDCON eligible was 15 Oct 21 when his commander signed the Interim LOD. In accordance with (IAW) 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 3.2.2.6.3. The immediate commander may issue an Interim LOD determination to establish initial care and treatment pending a final LOD determination. Additionally, IAW paragraph 6.2.4. Members with an interim LOD and a finding by a credentialed military medical provider that the member has a health condition requiring medical evaluation and treatment that renders the member unable to meet retention or mobility standards in accordance with DAFMAN 48-123, DoDI 6490.07, *Deployment-Limiting Medical Conditions for Service Members and DoD Civilian Employees*, and DoDI 1332.45, may apply for MEDCON.

The ARC CMD case manager caused an unnecessary delay when they decided to administratively return the case without action. This case had been verified by the ARC CMD Resources Branch, and following review by the assigned case manager, it should have been forwarded to Medical Branch Leadership for review and disposition. Instead, it was sent back to Resources Branch and then inappropriately returned without action. However, the ARC CMD Division Chief opines that the applicant submitted sufficient documentation and that the decision to delay approval of the case until he was provided documentation that he was established with a physical therapist was unnecessary and this delay would have likely been avoided had the case been properly routed through the lead case manager or supervision physician.

Therefore, based on the documentation provided, there is evidence of an error or injustice, and they recommend granting MEDCON for the period of 15 Oct 22 through 17 Nov 22 as during this time period he met all the MEDCON eligibility criteria: he possessed a valid interim Line of Duty (LOD) Determination finding of In Line of Duty (ILOD); he was on a mobility restricting profile; and he had MEDCON eligible treatment plan.

As ARC CMD is not the office of primary responsibility (OPR) for LOD adjudication, they are unable to address the delay between the initiation of the LOD on 24 Aug 22 and when the immediate commander finally signed it on 15 Oct 22. However, should the Board find that this delay was unjust or due to an error, it should be noted that the member would have met all MEDCON eligibility requirements during the entire time frame from the end of his Pre-MEDCON orders through the start of his MEDCON orders, 10 Oct 22 - 18 Nov 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 5 May 23 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. While the Board notes the recommendation of AFPC/DPFA to partially grant the applicant’s request by backdating his MEDCON orders to the date which his immediate commander signed the interim Line of Duty Determination, the Board finds a preponderance of the evidence substantiates the applicant’s contentions. Specifically, the Board determines the applicant’s medical condition between the time his Pre-MEDCON orders expired and when his LOD became Interim was unchanged and that the subsequent break in orders between his Pre-MEDCON and MEDCON orders were due to administrative delays caused by the transition to MyFSS and due to no fault of the applicant. 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 active duty, for the purposes of medical continuation in accordance with Title 10, U.S.C. §12301(h), from 11 Oct 22 through 17 Nov 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 2.1, considered Docket Number BC-2023-00472 in Executive Session on 11 Jul 23 and 7 Nov 23:

- Work-Product Panel Chair
- Work-Product Panel Member
- Work-Product Panel Member

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

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- Exhibit A: Application, DD Form 149, w/atchs, dated 15 Feb 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DPFA, dated 20 Apr 23.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 5 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.

7/31/2025

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Board Operations Manager, AFBCMR
Signed by: USAF

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