



CUI//SP-MIL/SP-PRVCY

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-01616

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

1. Her post-traumatic stress disorder (PTSD) and depression be found in the line of duty (ILOD) and related to her traumatic event in 2011 while on active duty.
2. The medical narrative summary (NARSUM) in her prior service condition (PSC) discharge package be updated to reflect her traumatic event occurred in 2011 and not 2012.

APPLICANT'S CONTENTIONS

Her medical group (MDG) submitted a package for her to be medically discharged. The psychologist indicated in the NARSUM her traumatic event occurred in 2012. However, it occurred in 2011 when she was on active duty. The NARSUM should be changed so she will receive the proper discharge due to her condition being service related. She was diagnosed with PTSD and suffers significant mental health and psychological events from the event. The date correction will allow NGB to see the event occurred while she was on active duty.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a staff sergeant (E-5) in the Air National Guard (ANG).

On 17 Feb 09, the applicant enlisted in the Regular Air Force.

On 27 May 11, the applicant applied for transfer to the ANG via Palace Chase.

She provides an undated statement from her former supervisor, which states in Jun 11 the applicant was faced with a horrifying experience when her husband fired a handgun in her direction. The bullet passed by her, through their daughter's room and out of their home. Her husband was given a no-contact order until they were able to secure an assignment for her elsewhere. He has no doubt she still suffers ill effects from the traumatic event.

The applicant provides a Domestic Order for Protection restraining her husband from contacting her by any direct or indirect means for the period of 2 Sep 11 through 2 Sep 12. It was also ordered her spouse was excluded from coming within 100 yards from the applicant and their daughter and was prohibited from going to the applicant's residence, place of employment and the child development center. The order stated both her and her spouse were members of the Air Force and stationed at the same base.

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Controlled by: SAF/MRB
CUI Categories: SP-MIL/SP-PRVCY
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

On 17 Aug 11, the applicant was medically approved for enlistment in the ANG per AF IMT 1288, *Application for Ready Reserve Assignment*, dated 27 May 11.

On 28 Sep 11, she was released from active duty in the grade of airman first class (E-3) with a narrative reason for separation of Intradepartmental Transfer. She was credited with 2 years, 7 months and 12 days of active duty service.

On 29 Sep 11, the applicant enlisted in the ANG in the grade of E-3 for a period of six years. She was promoted to staff sergeant on 7 May 15.

The military personnel data system (MilPDS) reflects she is currently medically disqualified and pending a medical waiver.

The applicant provides a medical treatment plan from her civilian medical group therapist dated 13 Apr 23. It states the applicant's diagnostic impression is PTSD. The medical note states the applicant experiences hypervigilance, night terrors, panic attacks and irritability as a result of a history trauma, which can occur as often as daily.

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

APPLICABLE AUTHORITY/GUIDANCE

DAFI 36-2910, *Line of Duty (LOD) Determination, Medical Continuation (MEDCON) and Incapacitation (INCAP) Pay*, Paragraph 1.12. Prior Service condition (PSC). For the purpose of Disability Evaluation System (DES) processing a PSC is any medical condition incurred or aggravated during one period of active service or authorized training in any of the military services that recurs, is aggravated, or otherwise causes the member to be unfit, should be considered incurred ILOD, provided the origin of such condition or its current state is not due to the service member's misconduct or willful negligence or progressed to unfitness as the result of intervening events when the service member was not in a duty status.

AIR FORCE EVALUATION

NGB/SGP recommends a partial grant, indicating the applicant did experience domestic violence in 2011, which was validated by the 2 Sep 11 Protection Order, rather than in 2012.

However, to grant the request her PTSD and depression were ILOD conditions, supporting medical documentation from the applicant's treating physician is needed to validate her PTSD and depression were incurred or aggravated in a qualifying duty status. The applicant's PSC determination was based on the documentation provided within the package and did not contain any medical documentation from her primary care physician to validate the PTSD and depression were incurred or aggravated while in a qualified duty status. The applicant reportedly applied for Palace Chase to the State ANG due to her command not changing her duty station. She has subsequently become unfit to perform the duties of her rank, rating, grade and office. Due to her being unable to perform her duties, a PSC package was submitted by her MDG; however, it contained no documentation from the applicant's treating provider. The only medical documentation was from the wing clinical psychologist who is not the applicant's primary care provider. On 22 Jun 22, she was seen by the wing clinical psychologist stating she was diagnosed with depression and was taking medication for the past year. However, the applicant has been avoidant to many contact attempts as well as non-compliant with request for documentation. The applicant supplied one medical note dated 13 Apr 23 for diagnosis of PTSD from a therapy group

but no additional documentation detailing her initial diagnosis/treatment of PTSD and depression or any other medical history was provided.

The disability evaluation system can by law, under 10 U.S.C., only offer compensation for those service incurred diseases or injuries which specifically rendered a member unfit for continued service and were the cause for career termination; and then only for the degree of impairment present at the time of separation and not based on future progression of injury or illness.

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 15 Aug 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. The Board concurs with the rationale and recommendation of NGB/SGP and finds a preponderance of the evidence substantiates the applicant's contentions in part. Specifically, the protection order and the letter from her supervisor are sufficient to conclude her traumatic event occurred in 2011 and not 2012 as stated in her NARSUM dated 24 Oct 22. However, for the remainder of the applicant's request, the evidence presented did not demonstrate an error or injustice, and the Board therefore finds no basis to recommend granting that portion of the applicant's request. In this respect, the Board finds insufficient evidence to conclude her PTSD and depression be found ILOD. However, the Board would be willing to reconsider the applicant's request should she provide supporting medical documentation from the treating physician to validate her PTSD and depression were incurred or aggravated while serving in a qualifying duty status. 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 the Narrative Summary (NARSUM) dated 24 Oct 22 reflect the traumatic event between her and her spouse occurred on 26 June 2011, instead of in 2012.

However, regarding the remainder of the applicant's request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

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-2023-01616 in Executive Session on 25 Oct 23:

Work-Product [REDACTED] Panel Chair
[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 1 Jul 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/SGPS, dated 8 Aug 23.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 15 Aug 23.
- Exhibit E: Applicant's response, dated DD MMM YY.
- Exhibit F: Minority opinion, dated DD MMM YY.

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.

11/16/2023

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Board Operations Manager, AFBCMR
Signed by: USAF