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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-02623

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COUNSEL: NONE

HEARING REQUESTED: YES

### APPLICANT'S REQUEST

He be placed back on the Temporary Disability Retired List (TDRL) to be medically evaluated.

### APPLICANT'S CONTENTIONS

He never received any emails regarding his reevaluation and no correspondence letters were received before he was removed from the TDRL prior to his five-year reevaluation date as indicated on his retired military identification card. He provided all of his contact information but was never contacted except for a text message instructing him to refer to an email he never received.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a former Air Force airman first class (E-3).

On 3 Apr 19, the TDRL Statement of Understanding indicates the applicant acknowledged his responsibilities while on the TDRL and his failure to comply could result in his disability retired pay being suspended. His responsibilities included advising HQ AFPC/DPFDC (Disabilities Office) of any changes to his contact information, completion of his required TDRL periodic physical examinations, providing medical records of post-service medical care to TDRL examining physicians, and contacting HQ AFPC/DPFDC for a TDRL examination if his retired pay is suspended.

Dated 12 Apr 19, Special Order **Work-Product** indicates the applicant was placed on the TDRL in the grade of airman first class (E-3) with a compensable percentage for physical disability of 80 percent, effective 29 May 19.

On 28 May 19, DD Form 214, *Certificate of Release or Discharge from Active Duty*, reflects the applicant was honorably discharged in the grade of airman first class (E-3) after serving 1 year, 8

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months, and 24 days of active duty. He was discharged, with a narrative reason for separation of “Disability, Temporary IDES.”

Dated 5 Aug 20, a letter to the applicant indicates his retired pay was suspended because he failed to stay in compliance with the TDRL program. It is noted he would be carried on the TDRL in a no-pay status until he completed the required examination or until he reached the maximum time he could remain on the TDRL, which was 29 May 22.

Dated 10 Jun 21, a letter to the applicant informed him his time on the TDRL was to expire on 29 May 22 and he was being afforded a final opportunity to complete the required examination.

On 3 May 22, the Secretary of the Air Force directed the applicant be removed from the TDRL and discharged without benefits due to his failure to report for periodic physical examinations.

Dated 9 May 22, Special Order **Work-Product** indicates the applicant was removed from the TDRL and discharged without benefits, effective 28 May 22.

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

## **AIR FORCE EVALUATION**

AFPC/DPFDC recommends denying the application finding no evidence an error or injustice occurred during the processing of his medical case. Effective 29 May 19, the applicant was placed on TDRL and fell under a three-year panel that only allowed the applicant to be on the TDRL until 28 May 22. Every attempt was made to reach out to the applicant throughout the three years. No evidence was provided of any attempts that were made by the applicant. Effective 28 May 22, the applicant was removed from TDRL and discharged without benefits.

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 25 Jun 24 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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DPFDC and finds a preponderance of the evidence does not substantiate the applicant’s contentions. The Board

noted the email addresses the applicant provided on his application to the AFBCMR are the same email addresses which were noted in the advisory opinion to which the applicant was sent notification of his requirements while on the TDRL; however, the Board does note the applicant's addresses are different. Per the TDRL Statement of Understanding, the applicant acknowledged it was his responsibility to advise HQ AFPC/DPFDC of any changes to his address or phone number in order to be notified when it was time for his TDRL medical examination, no later than 15 months from his date of separation and/or at the termination of his retired pay. At this point, it was the applicant's responsibility to contact HQ AFPC/DPFDC if he did not receive any correspondence as he claims. 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

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-2023-02623 in Executive Session on 20 Nov 24:

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Panel Chair  
, Panel Member  
Panel Member

All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 13 Jul 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPFDC, w/atch, dated 17 Jun 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 25 Jun 24.

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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.

12/5/2024

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Board Operations Manager, AFBCMR  
Signed by: USAF

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