



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

**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2023-03939

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

**APPLICANT'S REQUEST**

1. The break in orders between his Pre-Medical Continuation (Pre-MEDCON) and Active Duty for Operational Support (ADOS) tour be eliminated and he receive back pay to include all entitlements and benefits for the period of 1 Aug 18 – 5 Aug 18.
2. His ANG/USAFR Point Credit Summary (PCARS) record be corrected to reflect all points earned between 2 Jul 18 – 22 Oct 18.

**APPLICANT'S CONTENTIONS**

He should have been placed on Medical Continuation Orders (MEDCON) for the period of 2 Jul to 15 Dec 18. He was on Military Personnel Appropriation (MPA) orders for the period of 1 Jun 18 – 1 Jul 18 when he incurred an injury on 26 Jun 18 which was diagnosed and treated on 1 Jul 18. Per his medical unit's request, instead of modifying his active duty MPA order for an additional 30 days, he was placed on Medical Continuation (MEDCON) orders only for the period of 2 Jul 18 - 31 Jul 18. This resulted in him not being able to accrue leave during that period, but also a reduction in his Basic Allowance for Housing (BAH) pay and loss of TRICARE coverage.

When his initial MEDCON orders ended on 31 Jul 18, after a gap between 1 Aug 18 – 5 Aug 18, he went on Active Duty Operational Support (ADOS) orders for the period of 6 Aug 18 – 11 Nov 18. However, this gap in orders resulted in a loss of all pay and benefits, to include: base pay; BAH; leave accrual; and flight pay, for the 1 – 5 Aug 18 time frame. In Dec 18, on advice from AF/REP (AF Reserve Affairs Policy), after going more than four months without getting paid, he finally certified his ADOS orders in order to receive some pay and benefits for the period of 6 Aug 18 – 22 Oct 18.

Finally, his ANG/USAFR Point Credit Accounting Report Summary (PCARS) record is in error as it fails to reflect any points for the period of 2 Jul 18 – 22 Oct 18.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is an Air Force Reserve lieutenant colonel (O-5).

According to documentation provided by the applicant:

On 1 Jun 18, according to Reserve Order Number [REDACTED], dated 29 May 18, the applicant was placed on Military Personnel Appropriation (MPA) orders for 32 days for the period

**AFBCMR Docket Number BC-2023-03939**

Controlled by: SAF/MRB

Limited Dissemination Control: N/A

POC: [SAF.MRBC.Workflow@us.af.mil](mailto:SAF.MRBC.Workflow@us.af.mil)

of 1 Jun 18 – 1 Jul 18, in accordance with 10 USC 12301(d) (MAJCOM Tasking) per Executive Order 13223J “Operation FREEDOM SENTINEL” and AFI 36-2619, *ADOS – Active Component (AC) Man-Day Program*. Additionally, the order reflects on 1 Jul 18 he was released from duty.

On 26 Jun 18, according to AF Form 348, *Line of Duty Determination*, dated 29 Aug 18, the applicant injured his hand and was subsequently diagnosed, on 1 Jul 18, with “Subluxation of metacarpophalangeal joint of right middle finger: Sagittal band rupture at metacarpophalangeal joint, initial encounter.”

On 2 Jul 18, according to Reserve Order Number [REDACTED], dated 19 Jul 18, the applicant was placed on MPA orders (Pre-MEDCON) for 30 days for the period of 2 Jul 18 – 31 Jul 18, in accordance with 10 USC 12301(h) Voluntary Tour for Medical Treatment per Executive Order 13223J “Operation FREEDOM SENTINEL” and AFI 36-2619. Additionally, the order reflects on 31 Jul 18, he was released from duty.

On 25 Jul 18, according to AF Form 469, *Duty Limiting Report*, the applicant was placed on a Mobility Restriction until 4 Nov 18, and granted a local waiver for participation at Home Base Station only for UTA or AT.

On 6 Aug 18, according to Reserve Order Number [REDACTED], dated 11 Jun 18, the applicant was placed on ADOS orders for the period of 6 Aug 18 – 22 Oct 18 in accordance with 10 USC 12301(d). Additionally, it reflects on 22 Oct 18, he was released from duty.

On 24 Sep 18, according to AF Form 348, the applicant’s LOD, initiated on 29 Aug 18, was found to be In Line of Duty (ILOD).

On 23 Oct 18, according to Reserve Order Number [REDACTED], dated 29 Oct 18, the applicant was placed on MPA orders for the purpose of MEDCON in accordance with 10 USC 12301(h) for the period of 23 Oct 18 – 27 Dec 18. Additionally, the order reflects on 15 Dec 18, he was released from duty.

On 8 Dec 23, his ANG/USAFR Point Credit Accounting and Reporting System (PCARS) report reflects the applicant was credited with no points for the period of 2 Jul 18 – 22 Oct 18.

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

## **APPLICABLE AUTHORITY/GUIDANCE**

Department of Defense Instruction (DoDI) 1241.01, *Reserve Component (RC) Line of Duty Determination for Medical and Dental*. Treatments and Incapacitation Pay Entitlements, paragraph 3.a.(2): When an RC Service member is on active duty (AD) or full-time National Guard duty (FTNGD) for a period of more than 30 days and, at the scheduled end of that period, has an unresolved in-LOD condition that may render the member unfit for duty under the Disability Evaluation System (DES), but this has not yet been determined by the DES, the member: (a) Will, with his or her consent, be retained on AD or FTNGD until: 1. Outstanding in-LOD conditions are resolved; or 2. He or she is either found fit for duty, separated, or retired as a result of a DES finding.

Air Force Instruction (AFI) 36-2910, *Line of Duty (LOD) determination, Medical Continuation (MEDCON), and Incapacitation (INCAP) Pay*, dated 8 Oct 15:

[REDACTED]

5.1.1. MEDCON orders shall begin when the condition renders the member unable to perform military duties (not necessarily when the injury or illness occurred, when the disease was diagnosed or when the member was released from active duty).

5.2. Eligibility. MEDCON eligibility requires an LOD determination and a finding by a credentialed military medical provider that the member has an unresolved health condition requiring treatment that renders the member unable to meet retention or mobility standards IAW AFI 48-123, *Medical Examinations and Standards*.

5.2.2. Not all conditions that restrict deployment or mobility establish MEDCON eligibility. Injuries or illnesses that are expected to resolve without interventions, without restorative care or within 30 days are generally NOT eligible conditions. Cases requiring surgical interventions with recovery times of less than 30 days may be eligible.

5.2.3. A member who can perform military duties but requires medical care for a minor or chronic medical condition may be provided medical treatment for such condition through the DVA or TRICARE benefits; the member does not have to be on MEDCON orders to receive medical care for an ILOD condition. Additional information can be obtained from the member's RMU/GMU, MTF TRICARE office or DVA.

5.4. Pre-MEDCON. The purpose of pre-MEDCON orders (in cases where the condition was incurred or aggravated while the member was on IDT or AT), or orders extension (in cases where a member is already on orders), is to allow additional time to assess the ARC member's medical condition and for the MTF, RMU or GMU to initiate or complete an LOD determination, determine whether the medical condition renders the member unable to perform military duties and provide medical documentation to support a request for MEDCON orders. An ARC member on orders, or in IDT or AT status, may be eligible for up to 30 days of pre-MEDCON orders with approval from the member, the member's home station unit commander, the using MAJCOM and the orders issuing authority, if the member has incurred or aggravated an injury, illness or disease ILOD.

## **AIR FORCE EVALUATION**

AFPC/DPFA recommends denying the request for MEDCON for the period of 2 Jul 18 – 22 Oct 18. Based on documentation provided by the applicant and analysis of the facts there is no evidence of an error or injustice. The applicant did not meet all MEDCON eligibility requirements, in accordance with DAFI 36-2910, until 24 Sep 18. On this date he possessed a finalized LOD, a mobility restricting profile, and an active restorative medical treatment plan. He then submitted an application for MEDCON which was processed in a timely manner.

It does appear there were delays following the applicant's injury. Specifically, the LOD was not initiated for 59 days following the injury and 35 days following the start of the member's mobility restricting profile. The cause of the delay is not clear. Although records indicate additional information was being requested by his local medical unit, it is not apparent why the LOD was not initiated at the time of injury and consideration should be given to requesting his local medical unit provide an explanation. If this is attributed to a delay in reporting, then at least, why was the LOD not initiated at the same time the decision was made to place him on a mobility restricting profile? Additionally, why was there not a request made to extend his pre-MEDCON order? Lastly, they are unable to provide a comment regarding the decision to end his qualifying order prior to being returned to duty or establishing MEDCON eligibility as it falls outside DPFA's scope.

[REDACTED]

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 22 Jan 24 for comment (Exhibit D), and the applicant replied on 15 Feb 24. In his response, the applicant states he is unclear as to why the advisory recommended deny as he was injured while on status, has an approved LOD, and was denied MEDCON due to delays beyond his control.

Following his injury he was supposed to be retained on orders pending resolution of care that he was under, and still is, with his orthopedic doctor. Severe delays with the 452 AMDS were noted and not even his wing commander or the numbered air force commander, who he was working for at the time, could get things moving due to prior challenges in that unit. He is still unsure why he was directed to apply to the BCMR to receive the back-credit he is due only to be told MEDCON is not allowed before the LOD is signed.

He was on RPA orders for Headquarters, [REDACTED] Air Force for the period of 6 Aug 18 – 22 Oct 18. However, he delayed certification until Jan 19 due to guidance from APRC Case Management Division, Region Number 2, because his BCMR case was expected to resolve his case and those orders would be cancelled. Once he was informed it would take more than two years, not the five years it has taken so far, he and Maj Gen [redacted] agreed to pay him on his RPA ADOS orders. Therefore, he has been paid for the period of 6 Aug 18 – 22 Oct 18. However, as reflected by his PCARS reports, he has not been credited with points from 2 Jul 18 – 22 Oct 18 and needs to have his PCARS updated accordingly.

He is not requesting to be paid MEDCON for the entire period of 1 Jul 18 – 22 Oct 18, but to have his PCARS updated to reflect MEDCON and only being paid for, and having his leave balance corrected, for the period of 1 Aug 18 – 5 Aug 18.

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 the victim of an error or injustice. While the Board notes the rationale and recommendation of AFPC/DPFA against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions. Specifically, the Board notes it is highly unlikely there was a change in the applicant's medical condition during the five-day gap from when his Pre-MEDCON orders expired on 31 Jul 18, until 6 Aug 18, when he was placed on ADOS orders until his LOD was finally resolved and he started MEDCON on 23 Oct 18. Therefore, the Board recommends correcting his record as indicated below.

### **RECOMMENDATION**

The pertinent military records of the Department of the Air Force relating to the APPLICANT be corrected to show that:



- [REDACTED]
- a. His Reserve Order Number [REDACTED], dated 19 July 2018, for the period of 2 July 2018 through 31 July 2018 be extended through 5 August 2018.
  - b. His ANG/USAFR Point Credit Accounting and Reporting System (PCARS) report be corrected to reflect all points earned between 2 July 2018 – 22 October 2018.

### **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-2023-03939 in Executive Session on 13 Aug 24

[REDACTED] III, Panel Chair  
[REDACTED], Panel Member  
[REDACTED], Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 13 Apr 20.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPFA, dated 19 Jan 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 22 Jan 24.
- Exhibit E: Applicant's Response, w/atchs, dated 15 Feb 24.

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.

4/14/2025

X [REDACTED]  
[REDACTED]  
Board Operations Manager, AFBCMR  
Signed by: [REDACTED]

**AFBCMR Docket Number BC-2023-03939**