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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00923

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COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His AF Form 707, *Officer Performance Reports (OPRs) (Lt thru Col)*, for the periods 10 March 2011 thru 9 March 2012 and 10 March 2012 thru 9 March 2013 be removed from his record and replaced with a reaccomplished report.

APPLICANT'S CONTENTIONS

There was misdiagnosed mitigating circumstances preventing him from being able to complete the physical fitness test successfully. His myFSS medical administrators reviewed and invalidated the erroneous fitness assessments. Air Force regulations pertaining to the Air Force Physical Fitness Assessment were not followed. He was under medical care, starting in April 2009, to determine and alleviate the reoccurring pain experienced in his legs during times of physical exertion. This was known by the clinic, and his chain of command, and according to DAFMAN 36-2905, *Department of the Air Force Physical Fitness Program*, 21 April 2022, section 8.1.3.3.1; states in part: "A military medical provider must have reviewed the member's medical record to rule out medical conditions precluding the member from achieving a passing score." This was not accomplished, moreover, as previously stated, both the medical clinic and squadron knew of his situation but pushed the fitness assessment regardless.

In support of his appeal, the applicant provides several documents supporting his claim. Of note, the applicant provides a Clinic Visit Note with a 14 October 2014 date of service which indicates he was assessed with "exercise-induced compartment syndrome." In addition, he provides a letter from his civilian physician who states the applicant was seen several times between April 2009 and July 2014, which were all related to compartment syndrome and shin splints in his legs and confirms that in October 2014 he was diagnosed with compartment syndrome and since then his physician has signed a yearly memo stating he cannot perform the run or walk portions of his physical assessments.

Furthermore, the applicant provides a statement from the rater of the contested reports indicating the applicant was unable to successfully pass his fitness assessment due to a misdiagnosed medical condition. This condition was not discovered until 14 October 2014, when his Orthopedic Specialist, tested and confirmed the applicant had Compartment Syndrome. His fitness scores for that period should have been thrown out unfortunately, proper Air Force procedures were not followed. To correct the injustice, the rater provides copies of reaccomplished evaluations signed and approved by his entire chain of command.

The applicant's complete submission is at Exhibit A.

AFBCMR Docket Number BC-2024-00923

Work-Product

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STATEMENT OF FACTS

The applicant is a currently serving Air Force Reserve major (O-4).

AF Form 707 rendered for the period 10 March 2011 thru 9 March 2012, Section III, *Performance Factors*, reflects “Does Not Meet Standards;” Section V, *Additional Rater Overall Assessment* reflects, “Ratee elected not to provide comments to the referral memo of 26 Apr 2012;” Section IX, *Performance Factors*, reflects 7. Physical Fitness reflects “Does Not Meet Standards;” Section XI, *Referral Report*, reflects “your failure to meet the Air Force fitness standards as outlined in AFI 36-2905, *Fitness Program, Administrative and Personnel Actions*, causes this report to be referred.”

AF Form 707 rendered for the period 10 March 2012 thru 9 March 2013, Section III, *Performance Factors*, reflects “Does Not Meet Standards;” Section V, *Additional Rater Overall Assessment* reflects, “Ratee elected not to provide comments to the referral memo of 28 March 2013;” Section IX, *Performance Factors*, reflects 7. Physical Fitness reflects “Does Not Meet Standards;” Section XI, *Referral Report*, reflects “your failure to meet the Air Force fitness standards as outlined in AFI 36-2905 causes this report to be referred.”

The applicant filed an appeal through the Evaluation Report Appeals Board (ERAB) under the provisions of AFI 36-2406, *Correcting Officer and Enlisted Evaluations*; however, the ERAB was not convinced the original report was unjust or wrong and denied the requested relief.

According to a myFSS screenshot, provided by the applicant, his fitness assessments dated 4 March 2012, 1 June 2012, 13 January 2013, and 1 June 2013 have been invalidated.

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

APPLICABLE AUTHORITY/GUIDANCE

DAFMAN 36-2905, *Department of the Air Force Physical Fitness Program*, dated 21 April 2022, paragraph 8.2. Fitness Appeals. If a member believes the administration of their fitness assessment or their fitness assessment score was in error or unjust, the member may submit an appeal to the installation commander, or equivalent, as described in Table 8.1 (Note: Information pertaining to the wing level process and procedure and Fitness Assessment Appeals Board supplemental review can be found within AFPCI 36-115, *Fitness Assessment Appeals Board*, or at: <https://www.afpc.af.mil/Career-Management/Fitness-Program>. At installations with multiple wings or tenant organizations, the installation commander may delegate this action to the respective wing commander or equivalent.

AIR FORCE EVALUATION

ARPC/DPTSP recommends denying the application. The applicant received a referral OPR for the periods 10 March 2011 through 9 March 2012 and 10 March 2012 through 9 March 2013 due to the inability to successfully pass his fitness assessments. On 14 October 2014, a civilian medical provider diagnosed the applicant with compartmental syndrome in the legs, noting leg issues since May 2005. Diagnosis was received after completion of four PT assessments dated 3 April 2012, 1 June 2012, 13 January 2013, and 1 June 2013. The applicant's Primary Care Physician noted nine office visits from 2009-2013 relating to leg issues. There is no documentation dated prior to the PT assessments reflecting medical conditions which resulted in a PT waiver. A case

was submitted to ARPC as an ERAB on 5 December 2023 to remove the original OPRs from his record and replace with the revised version. The ERAB board denied his request.

Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an injustice. ARPC/DPTSP stands by the ERAB's original denial request.

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 1 July 2024 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 ARPC/DPTSP against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions. Specifically, the Board notes the applicant was unable to complete his fitness assessment despite documented efforts to prepare due to a misdiagnosed medical condition which was not discovered until October 2014. According to a myFSS screenshot provided by the applicant, his fitness assessments dated 4 March 2012, 1 June 2012, 13 January 2013, and 1 June 2013 have been invalidated and are no longer in his record. Thus, the Board believes the contested reports should be replaced with the reaccomplished reports. 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:

a. His AF Form 707, *Officer Performance Report (OPR) (Lt thru Col)*, for the period 10 March 2011 thru 9 March 2012 be removed from his record and replaced with a reaccomplished report for the same period.

b. His AF Form 707, *Officer Performance Report (OPR) (Lt thru Col)*, for the period 10 March 2012 thru 9 March 2013 be removed from his record and replaced with a reaccomplished report for the same period.

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-2024-00923 in Executive Session on 11 February 2025:

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III, Panel Chair
Panel Member
Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 29 April 2024.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, ARPC/DPTSP, dated 18 June 2024.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 1 July 2024.

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.

4/7/2025

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