

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01241

XXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His official military personnel records be amended to reflect his discharge was due to Post-Traumatic Stress Disorder (PTSD).

APPLICANT'S CONTENTIONS

He wants his records to reflect the true reason for his discharge from the Air Force and have his records reflect PTSD. He has tried and requested through various Department of Veterans Affairs (DVA) doctors and veterans' organizations but has been unable to have PTSD added to his disability.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an honorably discharged Air Force airman first class (E-3).

On 7 Jan 72, according to AF Form 618, *Medical Board Report*, the applicant was diagnosed with anxiety neurosis, severe; incurred while entitled to basic pay: Yes; existed prior to service: No. The applicant was referred to the Physical Evaluation Board (PEB).

On 24 Jan 72, according to AF Form 356, *Proceedings and Findings of USAF Physical Evaluation Board*, the applicant was found unfit because of physical disability and diagnosed with:

- Anxiety neurosis, interfering with performance of duty, with moderate social and industrial impairment; is disabling: Yes; incurred while entitled to receive basic pay: Yes; degree of impairment is permanent: Yes; percent: 10 percent; DVA diagnostic code: 9400.

The PEB recommended discharge with severance pay (DWSP) and a compensable percentage of 10 percent.

On 27 Jan 72, according to AF Form 1180, *Recommended Findings of Physical Evaluation Board*, the applicant was briefed on his right to demand a formal hearing and concurred with the recommended findings.

On 28 Jan 72, according to a Secretary of the Air Force Personnel Council memorandum, Subject: Separation from Active Service with Disability Severance Pay of [applicant], the Secretary of the Air Force approved the recommendation of the Physical Review Council that the applicant be separated from active service for physical disability under the provisions of Title 10, United States Code § 1203 (10 USC § 1203) with severance pay computed under section 1212 of this title.

On 14 Feb 72, the applicant was furnished an honorable discharge with reason and authority of "Discharge with Severance Pay" and credited with 11 months and 23 days active service.

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

AIR FORCE EVALUATION

AFPC/DPFDD recommends denying the application. Based on the documentation provided by the applicant and analysis of the facts, there is no indication an error or injustice occurred at the time the PEB processed the applicant's disability case. There is no evidence he was diagnosed with PTSD while in service.

Under 10 USC, Chapter 61, the PEB must determine if a member's condition(s) renders them unfit for continued military service relating to their office, grade, rank, or rating and fairly compensate those members whose military careers are cut short due to a service-incurred or service-aggravated disability.

On 7 Jan 72, a Medical Evaluation Board found the applicant potentially unfit for anxiety neurosis, severe. The accompanying Medical Narrative Summary indicates he had difficulties adjusting to military life and began experiencing anxiety associated with family separation while assigned to his first duty station, a remote tour to Kunsan Air Base, South Korea. The mental health provider indicated the applicant's anxiety was severe and there was no evidence of depression, hallucinations, paranoid thinking or paranoid delusions. His thought content centered on his hate of Korea because of its "dirtiness," his anger at having to be there, his anger at the people who lived there, and finally, on his fear he might not be able to control such hostile feelings. Due to this assessment, the applicant was diagnosed with anxiety neurosis, severe. The mental health provider felt there was significant potential for psychotic decompensation (particularly for paranoid psychosis or even paranoid schizophrenia). The applicant was also assessed with marked functional impairment in terms of usefulness to the military and moderately impaired for adjustment to civilian life.

On 24 Jan 72, the PEB found the applicant unfit for anxiety neurosis, interfering with performance of duty, with moderate social and industrial impairment and recommended DWSP with a 10 percent compensable rating. On 27 Jan 72, the applicant agreed with the PEB's findings and was subsequently DWSP, effective 14 Feb 72.

The applicant was processed under the older Legacy Disability Evaluation System in which the PEB and DVA made independent assessments of a service member's unfitting condition(s) and could, therefore, assign a different diagnosis and rating for the same condition based on examinations and available documentation. The DVA's assessment was conducted following separation and the PEB was not bound by the DVA's independent rating decision. A review of the applicant's DVA records indicates on 10 Mar 72, the DVA initially diagnosed his mental health condition as severe anxiety reaction and assigned a temporary 100 percent pre-stabilization rating. This pre-stabilization rating was further reduced to 50 percent according to a 2 Mar 73 rating decision. His DVA records indicate his unfitting mental health condition has been re-diagnosed, and the ratings have changed several times over the course of years and is currently rated as Generalized Anxiety Disorder with Major Depressive Disorder rated at 100 percent. The most recent rating decision, dated 26 Aug 24, indicates the DVA has denied his claim for PTSD on two separate occasions. The original denial, dated 3 Mar 16, indicated the applicant's claim for service-connection for PTSD was denied due to the condition not being clinically diagnosed. The second denial, in Aug 24, indicates the applicant had been newly diagnosed with the onset of PTSD during a 3 Jun 24 DVA examination (52.5 years following

separation), but service-connection was denied because there was no evidence, other than his claims, that the PTSD could be contributed to military service.

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 20 Mar 25 for comment (Exhibit D) but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed. The Board notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by 10 USC § 1552 and Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*.

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/DPFDD and finds a preponderance of the evidence does not substantiate the applicant's contentions. The PEB appropriately assessed the applicant's unfitting mental health condition and degree of impairment at the time of his discharge. There is no evidence the applicant suffered from, or was diagnosed with, PTSD during service. Further, the Air Force and the DVA disability systems operate under separate laws. Under 10 USC, the PEB must determine if the service member's condition renders them unfit for continued military service. To be unfitting, the condition must be such that it alone precludes the member from fulfilling their military duties. The PEB then applies the rating best associated with the level of disability at the time of disability processing and that rating determines the final disposition. The DVA, under 38 USC, may evaluate a service member over the years and their rating may be increased or decreased based on changes in the member's medical condition at the current time. However, a higher rating by the DVA based on exams conducted after discharge from service does not warrant a change in the total compensable rating awarded at the time of the member's separation. 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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2024-01241 in Executive Session on 26 Jun 25:

, 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 19 Mar 24.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, AFPC/DPFDD, w/atchs, dated 12 Mar 25.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 20 Mar 25.

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.

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Board Operations Manager, AFBCMR