



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01505

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His medical continuation (MEDCON) orders start date be backdated to the end of his PRE-MEDCON orders to cover the period of 1 Jan 24 through 5 Jun 24.

APPLICANT'S CONTENTIONS

His Pre-MEDCON orders ended on 31 Dec 23, and his MEDCON orders did not start until 3 Jan 24. This resulted in a two (2) day gap between his orders. This gap violates Department of the Air Force Instruction (DAFI) 36-2910, *Line of Duty (LOD) Determination, Medical Continuation (MEDCON), and Incapacitation (INCAP) Pay*, paragraph 6.9.3.2, which states "if member is currently on a pre-MEDCON order, that pre-MEDCON order will end the day prior to the start of MEDCON order. This is to prevent a break in orders."

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air National Guard technical sergeant (E-6).

On 2 Dec 23, according to Order Number Work-Product dated 4 Dec 23, provided by applicant, he was placed on Active Duty - Medical Continuation orders in accordance with 10 USC 12301 (h), for the purpose of medical continuation for the period of 2 Dec 23 – 31 Dec 23.

On 3 Jan 24, according to Order Number Work-Product dated 22 Feb 24, provided by applicant, he was placed on Active Duty – Medical Continuation orders, in accordance with 10 USC 12301(h), for the purpose of medical continuation for the period of 3 Jan 24 – 5 Jun 24.

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

AIR FORCE EVALUATION

AFPC/DPFA recommends granting the request. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. The applicant had two MEDCON applications submitted on his behalf. The first was submitted on 8 Dec 23; however, it contained insufficient documentation to validate medical care. A second MEDCON application was then submitted on 1 Jan 24 that included the required additional information which detailed a treatment program. That application was approved and he started MEDCON on 3 Jan 24, unfortunately, the delay resulted in a two-day gap in orders; however, the member met all

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MEDCON eligibility during this gap. Therefore, AFPC/DPFA recommends granting his request as the delay was administrative and due to no fault of the applicant.

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 7 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 the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DPFA and finds a preponderance of the evidence substantiates the applicant's contentions. Therefore, the Board recommends correcting the applicant's records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show for the period of 1 Jan 24 – 5 Jun 24, he was placed on active duty, for the purposes of medical continuation in accordance with Title 10, U.S.C. §12301(h).

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-2024-01505 in Executive Session on 14 Jan 25:

Work-Product Panel Chair

Work-Product Panel Member

Work-Product Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 23 Apr 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DPFA, dated 31 May 24.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 7 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.

3/5/2025

X *Work-Product*

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Board Operations Manager, AFBCMR

Signed by: *Work-Product*

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