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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

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DOCKET NUMBER: BC-2024-01673

COUNSEL:

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HEARING REQUESTED: NO

APPLICANT'S REQUEST

He undergo a Medical Evaluation Board (MEB) and received a medical retirement.

APPLICANT'S CONTENTIONS

He was returned to duty with an Assignment Limitation Code after it was erroneously determined his medical condition was "unsuited" rather than "unfitting" depriving him of processing through the Disability Evaluation System (DES). The applicable regulations require a service member to be processed through the DES for radicular or non-radicular pain involving the spine, whether idiopathic or secondary to degenerative disc or joint disease. The decision to classify his condition as an unsuited medical condition, when he was suffering from lumbar spondylosis/disc disease, an unfitting medical condition, was a clear error.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force technical sergeant (E-6).

On 19 Mar 24, according to DD Form 418, *Selective Reenlistment Program (SRP) Consideration/Denial of Continued Service for Airmen*, the applicant was not selected for reenlistment/continued service. The Remarks section indicates he was on an extensive medical profile and a MEB was initiated, and he was returned to service with a characterization of "unsuited."

Effective 7 Jun 24, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant was honorably discharge from the Air Force after serving 14 years, 11 months and 22 days of active duty. His narrative reason for separation is "Non-Retention on active duty."

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

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AIR FORCE EVALUATION

The Medical Advisor recommends denying the application. There was no definitive evidence of an error, injustice, impropriety, or inequity found in the process leading up to the applicant's separation. The DES is not a direct 'option' for any individual but rather is brought forth when there exists a potentially unfitting condition and one's fitness and ability to continue serving remains at bay. The Medical Advisor questioned the unsuiting findings for the listed diagnostic code of 5243 (intervertebral disc syndrome) and reached out to AFPC for clarifying assistance. AFPC stated "At the time, the unfitting condition's diagnostic code was for the applicant's back pain (although with very little objective findings) and the applicant was waived to return to duty with an Assignment Limitation Code (ALC) for this condition. The applicant's unsuiting condition (obesity) was the underlying condition that prevented resolution and caused his impairments." Although 'obesity' was not documented on the form from AFPC whereas the code for inter-vertebral disc syndrome was, a questionable concern for such an unsuiting finding is indeed justified. The fact AFPC originally returned the Initial Review In-Lieu of back to the medical treatment facility requesting additional information concerning the applicant's chronic low back pain and specific correlation with his excess weight (obesity), clearly showed a thorough review was performed by AFPC and noted a possible nexus between the two. AFPC adjudicated the case citing the commander had discretionary authority to administratively separate the applicant for the known unsuiting condition of obesity.

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 12 Aug 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. Therefore, the Board concurs with the rationale and recommendation of the Medical Advisor and finds a preponderance of the evidence does not substantiate the applicant's contentions. Therefore, the Board recommends against correcting the applicant's records.

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-2024-01673 in Executive Session on 5 Mar 25:

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, Panel Chair

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, Panel Member

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, Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 6 May 24.

Exhibit B: Relevant excerpts from official records.

Exhibit C: Advisory Opinion, Medical Advisory, dated 8 Jul 24.

Exhibit D: Notification of Advisory, SAF/MRBC to Counsel, 12 Aug 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.

3/14/2025

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AFBCMR

Signed by: USAF

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