



Work-Product

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

**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2024-01832

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**COUNSEL:** NONE

**HEARING REQUESTED:** YES

**APPLICANT’S REQUEST**

1. He be paid Incapacitation (INCAP) Pay for the period of six months, 26 May 23 through 25 Nov 23.
2. Judicial action be taken at the unit which allowed this injustice to occur (outside the Board’s purview as the AFBCMR’s purpose is to correct military records of individuals and not advise units on policy and procedures).

**APPLICANT’S CONTENTIONS**

His unit did not allow him to apply for a second extension of INCAP pay before his first request was approved and paid which did not happen until after he was separated. By the time it was paid, he was medically retired. He is also requesting judicial action be taken at the unit for delaying a member’s ability to receive this pay. The delay in processing due to the unit having policies in place is in violation of DAFI 36-2910, *Line of Duty (LOD) Determination, Medical Continuation (MEDCON), and Incapacitation (INCAP) Pay*. The first policy is that the unit will not process the application until six months have passed from the initial date of entitlement. The second policy is that the unit will not process an extension until the initial application, or the most recent extension has been approved and paid. If his requests were processed in a timely manner, he would have been paid before separation.

The applicant’s complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a medically retired Air Force Reserve (AFR) lieutenant colonel (O-5).

Dated 29 Jun 22, AF Form 348, *Line of Duty Determination*, provided by the applicant, indicates his diarrhea, unspecified was determined to be in the line of duty (ILOD) by the approving authority on 19 Aug 22.

On 23 May 23, AF Form 1971, *Certification for Incapacitation Pay*, provided by the applicant, indicates he was approved for INCAP pay by his wing commander for the period of 29 May 22 through 25 Nov 22. It is noted his diagnosis and secondary diagnosis of post-traumatic stress

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disorder (PTSD) for which he was being processed through the Medical Evaluation Board (MEB) rendered him unfit for military service.

Dated 15 Nov 23, Special Order **Work-Product** indicates the applicant was placed on the Temporary Disability Retired List (TDRL) with a compensable disability rating of 80 percent, effective 30 Nov 23.

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

### **AIR FORCE EVALUATION**

AFRC/A1 recommends granting the application finding evidence of an error or injustice. The applicant's approved INCAP extension was not paid in a timely manner before his medical retirement was effective on 29 Nov 23. His initial INCAP request was approved for the period of 29 May 22 through 25 Nov 22 and his extension package was approved on 9 Nov 23 for the period of 26 Nov 22 through 25 May 23 and he was medically retired on 29 Nov 23.

The complete advisory opinion is at Exhibit C.

AFRC/A1KK recommends granting the application finding evidence of an error or injustice. Per DAFI 36-2910, paragraph 7.2, *Eligibility and Qualification Determination*, an extension beyond six months requires a final LOD determination of ILOD. In addition, a treatment plan by a credentialed military medical provider that annotates the member is unable to perform their military duties, or if member is able to perform military duties, member must demonstrate a loss of civilian earned income. None of the required documentation was provided with the applicant's case; however, AFRC/A1KK defaults to AFRC/A1 position of the case.

The complete advisory opinion is at Exhibit D.

### **APPLICANT'S REVIEW OF AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 11 Jun 25 for comment (Exhibit E) but received no response.

### **FINDINGS AND CONCLUSION**

1. The application was timely filed.
2. The applicant exhausted all other available administrative remedies 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 AFRC/A1 and

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AFRC/A1KK and finds a preponderance of the evidence substantiates the applicant’s contentions. The evidence the applicant submitted indicates he was initially approved for INCAP pay but due to the delay in processing his payments, he was not able to apply for the necessary extension which would have provided this benefit up to the date he was medically retired. 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 he was eligible to receive a second six-month extension of INCAP pay for the period of 26 May 23 through 25 Nov 23.

**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-2024-01832 in Executive Session on 22 Aug 25:

Work-Product	Panel Chair
Work-Product	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 10 May 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFRC/A1, dated 10 Dec 24.
- Exhibit D: Advisory opinion, AFRC/A1KK, dated 31 Jan 24.
- Exhibit E: Notification of advisory, SAF/MRBC to applicant, dated 11 Jun 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.

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Board Operations Manager, AFBCMR  
Signed by: USAF

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