



[REDACTED]

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

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2024-01841

[REDACTED]

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

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**APPLICANT'S REQUEST**

He be given a medical separation due to his left knee injury which was incurred while he was deployed in 2010.

**APPLICANT'S CONTENTIONS**

His military retirement was based on having degenerative joint disease of the left knee which did not allow him to perform his duties. This injury was incurred while he was working inside the housing detention center at Bagram, Afghanistan in 2010 and he would like his records corrected to reflect the actual injury he sustained as it was more than just degenerative joint disease.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a retired Air Force Reserve (AFR) staff sergeant (E-5) awaiting retired pay at age 60.

On 20 Feb 20, the applicant was found to have a medical condition which did not meet medical standards and was placed on an Assignment Availability Code (AAC) 37 pending a fitness for duty evaluation. The letter further indicates the applicant was briefed on the medical aspects of the process and elected to have his case reviewed by the Physical Evaluation Board (PEB) for a fitness determination.

On 18 Mar 20, the Department of Veterans Affairs (DVA) proposed a disability rating for his left knee degenerative arthritis, evaluated for instability at 0 percent effective 2 Jun 18 with an evaluation of 20 percent assigned from 13 Mar 20; and his left knee degenerative arthritis, evaluated for limitation of flexion at 10 percent. He was also evaluated at 20 percent each for lumbosacral strain and radiculopathy-right sciatic nerve.

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Controlled by: SAF/MRB CUI Categories: [REDACTED] Limited Dissemination Control: N/A POC: <a href="mailto:SAF.MRBC.Workflow@us.af.mil">SAF.MRBC.Workflow@us.af.mil</a>
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On 6 Jun 20, the applicant's case was reviewed, and it was determined he was disqualified for continued military service due to bilateral degenerative joint disease of the knee and his case was referred to the Disability Evaluation System (DES) for a fitness determination. It is further noted the applicant was a traditional Reservist with 18 years of satisfactory service.

On 10 Jun 20, AF Form 356, *Informal Findings and Recommended Disposition of USAF Physical Evaluation Board*, indicates the applicant was found unfit due to his medical condition of left and right knee pain with a recommendation of "Unfit" as his conditions were not compensable.

On 25 Jun 20, AF Form 1180, *Action on Physical Evaluation Board Findings and Recommended Disposition*, indicates the applicant disagreed with the findings and recommended disposition of the Informal Physical Evaluation Board (IPEB) and requested a formal hearing. On this same day, the applicant indicated he requested an attorney from the Office of Airmen's Counsel (OAC) to represent him in the DES process.

On 26 Jun 20, the DVA proposed a temporary disability rating for his total left knee arthroplasty of 100 percent assigned from 2 Jun 20, based on surgical or other treatment necessitating convalescence and prosthetic replacement, with a 30 percent rating assigned from 1 Aug 21.

On 6 Oct 20, a memorandum for record (MFR) from the Disability Operations Branch indicates the applicant's case was closed due to the non-receipt of the AF Form 1180.

On 29 Oct 20, AF Form 1180, *Action on Physical Evaluation Board Findings and Recommended Disposition*, indicates the applicant waived his rights to a formal hearing and did not request a one-time reconsideration of his Department of Veterans Affairs disability rating.

On 2 Nov 20, the Secretary of the Air Force (SAF) directed the applicant be separated for a non-duty related physical disability.

Dated 17 Feb 21, Reserve Order [REDACTED] indicates the applicant was assigned to the retired Reserve and placed on the Reserve Retired List (RRL), effective 31 Dec 20. The applicant was retired under 10 U.S.C. 12731b due to medical disqualification with 15 to 20 years of satisfactory service.

On 10 Aug 22, ARPC/DPTT sent the applicant the standard Notification of Eligibility for retired pay (20-year letter) informing him he has completed the required years under the provisions of Title 10 U.S.C., Section 12731 and is entitled to retired pay upon application prior to age 60.

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

## AIR FORCE EVALUATION

AFRC/SG recommends granting the applicant's request for a medical separation finding evidence of an error or injustice. The applicant had surgery while on orders in 2017, thereby altering the natural progression of the left knee degenerative process. On 9 Nov 10, he reported injuring his left knee in a deployed location while attempting to control a detainee. Workup revealed a left Medial Collateral Ligament (MCL) grade two sprain by magnetic resonance imaging (MRI), with physical exams being consistent with this diagnosis. He improved with physical therapy in-country. Approximately a year later through the DVA, he was seen by orthopedic specialist noting left knee pain for a few years. Evaluation with MRI revealed thickening of the left MCL and mild degenerative changes. His next orthopedic evaluation in 2017, while on orders, showed on MRI mild grade one left MCL sprain, subtle impaction injury weight bearing surface medial femoral condyle with significant reactive bone marrow edema, slight irregularity of overlying articular cartilage, moderate joint effusion, and early chondromalacia. He underwent a left knee arthroscopy in Dec 17 while on orders and initially recovered, excellent fitness test score Aug 18 without exemptions. He was granted an in line of duty (ILOD) for the left knee MCL sprain, Existed Prior to Service (EPTS) before that set of orders, but service aggravated during the period of orders in 2017. Later in Nov 18 he was worked up for worsening symptoms again, resulting in MRI findings of tri-compartment left knee degenerative changes, chondromalacia, medical meniscal tear, and a benign calcified lesion. The calcified lesion appeared rather quickly but was deemed benign. He ultimately had left total knee arthroplasty (TKA) in Jun 20 after failed conservative management, including Bone Marrow Aspirate Concentrate injection (BMAC). Due to his persistent symptoms, he was determined to be unfit for duty through the nonduty related IPEB Jun 20 and was placed into the retired reserve effective 31 Dec 20.

The complete advisory opinion is at Exhibit C.

The Board sent a copy of the advisory opinion to the applicant on 28 Apr 25 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 AFRC/SG and finds a preponderance of the evidence substantiates the applicant's contentions. Specifically, the Board finds the applicant injured his knee while deployed in 2010 ILOD and had an intervening event in 2017 when he was on orders, having surgery which altered the natural progression of his injury. Due to his initial knee injury in 2010, he ultimately had to have total left knee arthroplasty in Jun 20 and was separated shortly after. The DAV rated his condition temporarily at 100 percent for convalescent purposes after his surgery and granted him a 30 percent disability rating for this condition. Due to the 30 percent rating granted by the DVA around the time his condition was considered unfit coupled with the initial and intervening event occurring while he was on military



orders, the Board finds ample evidence to grant his request. 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.


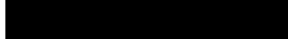
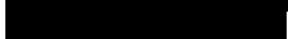
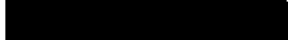
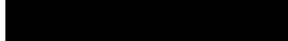
**RECOMMENDATION**

The pertinent military records of the Department of the Air Force relating to the APPLICANT be corrected to show:

- a. On 10 Jun 20, he was found unfit to perform the duties of his office, rank, grade, or rating by reason of physical disability, incurred while he was entitled to receive basic pay; the diagnosis in his case was left knee arthroplasty, that his condition was under VASRD code 5257; with a disability rating of 30 percent; the degree of impairment was permanent; the disability was not due to intentional misconduct or willful neglect; the disability was not incurred during a period of unauthorized absence; and the disability was not as a direct result of armed conflict or caused by an instrumentality of war and was not combat-related.
- b. On 30 Dec 20, he was discharged from the AFR and on 31 Dec 20, he was permanently retired with a compensable percentage for physical disability of 30 percent.
- c. His election of the Survivor Benefit Plan option will be corrected in accordance with his expressed preferences and/or as otherwise provided for by law or the Code of Federal Regulations.

**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-2024-01841 in Executive Session on 19 Mar 25, 21 May 25, and 30 May 25:

- , Panel Chair
- , Panel Member
- , Panel Member
- , Panel Chair
- , Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 20 May 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFRC/SG, w/atchs, dated 4 Mar 25.



CUI

[REDACTED]

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 28 Apr 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.

6/2/2025

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Board Operations Manager, AFBCMR

Signed by: USAF

**AFBCMR Docket Number BC-2024-01841**

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