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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-2024-02519

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His discharge with severance pay (DWSP) at 20 percent be changed to a medical retirement at 100 percent.

APPLICANT'S CONTENTIONS

His schizoaffective disorder is military related to which he has been suffering from this disease since 1971. He was first diagnosed with neurotic depression which later became schizoaffective rated by the Department of Veterans Affairs (DVA) in 2016. He should have been originally diagnosed with schizoaffective disorder and medically retired.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force airman first class (E-3).

On 18 Aug 69, SF 89, *Report of Medical History*, indicates the applicant acknowledged he had a history of nervous trouble.

On 12 Aug 71, AF Form 618, *Medical Board Report*, indicates the applicant was referred to the Physical Evaluation Board (PEB) for severe depressive neurosis, which existed prior to service (EPTS) with no permanent service aggravation.

On 1 Sep 71, 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 psychoneurotic depressive reaction, EPTS with service aggravation with a recommendation of "DWSP." His mental health condition was rated at 30 percent; however, this condition was found as EPTS so a 10 percent rating was deducted which adjusted the overall rating to 20 percent. It was noted, the natural progression of the disease was not sufficiently established, and doubt was resolved in favor of the applicant, his mental health condition was service aggravated.

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On 8 Sep 71, AF Form 1180, *Recommended Findings of Physical Evaluation Board*, indicates the applicant agreed with the recommended findings of the PEB.

On 10 Sep 71, the Secretary of the Air Force (SAF) approved the PEB's decision, DWSP.

On 15 Oct 71, DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, reflects the applicant was honorably discharged in the grade of airman first class (E-3) after serving 1 year, 5 months, and 19 days of active duty. He was discharged, with a narrative reason for separation of "Physical Disability with Entitlement to Receive Disability Severance Pay."

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 applicant's request for a medical retirement finding no evidence of an error or injustice during Disability Evaluation System (DES) processing. A change in diagnosis and increase to his DVA rating almost 45 years following separation due to a progression of his mental illness does not warrant a change to the original PEB assigned disability rating.

The Air Force and the DVA disability systems operate under separate laws. Under the Air Force system, Title 10 U.S.C., the PEB must determine whether an airman's medical condition renders them unfit for continued military service relating to their office, grade, rank, or rating. To be unfitting, the condition must be such that it alone prevents 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. That rating determines the final disposition (DWSP, placement on the temporary disability retired list, or permanent retirement) and is not subject to change after the service member has separated. Under the DVA system (Title 38, U.S.C), the member may be evaluated 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 new and/or current 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.

A review of the applicant's DVA records indicates on 25 Feb 72 the DVA initially awarded a 10 percent rating for Neurotic Depressive Reaction. It is noted he was processed under the older Legacy DES in which the PEB and DVA made independent assessments of a member's unfitting condition(s) and could therefore assign different diagnosis/ratings for the same condition based on available documentation/exams at the time of processing. The DVA examinations were completed after separation and were not available nor utilized by the PEB in its unfitting decision for DES rating purposes. Under today's Integrated Disability Evaluation System (IDES) the PEB utilizes the ratings assigned by the DVA. Therefore, if he would have been processed under the IDES, he would have received a 10 percent disability rating from the PEB which would have still resulted

in DWSP. Further review disclosed that although he has filed multiple supplemental DVA claims throughout the years the diagnosis and rating for this condition has remained constant until he was diagnosed with Schizophrenia in Mar 16 (nearly 45 years following separation) due to a progression of his mental health symptoms.

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 19 Dec 24 for comment (Exhibit D) but has received no response.

FINDINGS AND CONCLUSION

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

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 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 Board finds no error occurred with the processing of the applicant's disability case. At the time of his discharge, he was accurately assessed and rated for his mental health condition. It was not until decades later, he was diagnosed and determined to be 100 percent disabled for schizophrenia by the DVA. The military's DES established to maintain a fit and vital fighting force, can by law (Title 10, U.S.C.) only offer compensation for those service incurred diseases or injuries, which specifically rendered a member unfit for continued active service and were the cause for career termination; and then only for the degree of impairment present at or near the time of separation and not based on post-service progression of disease or injury. The DVA (Title 38, U.S.C.) may evaluate a 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 new and/or current 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.

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.

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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-2024-02519 in Executive Session on 21 Aug 25:

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Panel Chair

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Panel Member

Panel Member

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

Exhibit A: Application, DD Form 149, dated 18 Oct 24.

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

Exhibit C: Advisory Opinion, AFPC/DPFDD, w/atchs, dated 19 Dec 24.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 19 Dec 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.

10/3/2025

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Board Operations Manager, AFBCMR
Signed by: USAF

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