

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-03110

XXXXXXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NOT INDICATED

APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, Block 28. *Narrative Reason for Separation*, be amended to allow for Department of Veterans Affairs (DVA) Post-9/11 GI Bill benefits.

APPLICANT'S CONTENTIONS

He consulted with a Veterans Service Officer (VSO) in Dec 23 due to being denied Post-9/11 GI Bill education benefits. The VSO and the applicant located language in Title 38, United States Code (USC), Chapter 33, Section 3311 that established eligibility as the applicant served after 11 Sep 01, for at least 30 continuous days on active duty and was discharged from active duty in the Armed Forces for a service-connected disability as substantiated by the DVA Rating Decision from 2011. The applicant is receiving disability and health benefits from the DVA; however, the education application was denied, so he submitted an appeal. The DVA Higher-Level Review Decision, dated 27 Feb 24, stated the copy of the rating dated 30 Apr 11 cannot be used to establish eligibility for education benefits. The DVA directed the applicant to his service component to update the reason for separation to qualify for disability benefits under the Post-9/11 GI Bill.

Per the applicant, the AF Form 356, *Findings and Recommended Disposition of the USAF Physical Evaluation Board (Informal)*, notes that his asthma (the reason for discharge) should be treated as existing prior to service, even though substantiation was not provided by a diagnosis prior to service.

Before the applicant was discharged, he applied for DVA disability benefits. The DVA Rating Decision from 2011 disagreed with the Physical Evaluation Board's (PEB) opinion because the applicant had no diagnosis of asthma prior to service and was sound at induction. Regardless of any future outcome with DVA education benefits, the applicant believes the narrative reason for separation on his DD Form 214 is not accurate due to lack of any diagnosis prior to service, and he is requesting that it be changed to indicate service-connection, Secretarial Authority, or another appropriate separation code.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an honorably discharged Air Force airman (E-2).

On 27 Jul 10, according to AF IMT 618, *Medical Board Report*, the applicant was diagnosed with asthma; incurred while entitled to basic pay: No; existed prior to service (EPTS): Yes; permanently aggravated by service: No. The applicant was referred to the Informal PEB (IPEB).

On 28 Jul 10, according to an applicant letter to the IPEB, he had not been diagnosed with asthma prior to service, and his use of inhalers prior to service were for diagnosed sinus infections only.

On 18 Aug 10, according to AF Form 356, the applicant was found unfit because of physical disability and was diagnosed with:

- Category II – Conditions That Can Be Unfitting But Are Not Currently Compensable Or Ratable:

- Asthma; incurred while entitled to receive basic pay: No; Line of Duty: NA; Disability Rating: NA; DVA Diagnostic Code: 6602

The IPEB recommended Discharge Under Other Than Chapter 61, Title 10, USC (EPTS).

On 25 Aug 10, according to AF Form 1180, *Action on Informal Physical Evaluation Board Findings and Recommended Disposition*, the applicant agreed with the findings and recommended disposition of the IPEB and waived his right to a formal PEB (FPEB) hearing.

On 27 Aug 10, according to an AFPC/DPSD [Secretary of the Air Force Personnel Council] memorandum, the Secretary of the Air Force directed the applicant be separated from active service for physical disability due to a condition that existed prior to service. The applicant is not entitled to any benefits under the provisions of Chapter 61, Title 10, USC.

On 2 Sep 10, the applicant was furnished an honorable discharge, with narrative reason for separation of “Disability – Existed Prior to SVC-PEB” and a separation code of “JFM” [Disability, Existed Prior to Service, PEB, LDES]. The applicant was credited with two months and five days of active service.

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 application. Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice during Disability Evaluation System (DES) processing. Although the applicant may not have been aware of his pre-existing asthma, medical evidence shows he exhibited symptoms and was prescribed medication consistent with the treatment of asthma prior to entry.

The Air Force and the DVA disability systems operate under separate laws. Under the Air Force system (Title 10, USC), 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 precludes 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 (discharge with severance pay, 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, USC), 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.

The applicant entered the Air Force on 28 Jun 10. On 27 Jul 10, a Medical Evaluation Board (MEB) was convened which found him potentially unfitting for asthma. His condition of asthma was deemed EPTS and not permanently aggravated by service. The applicant argued it did not exist prior to entry. An accompanying medical narrative summary, dated 14 Jul 10, indicates that during zero week [prior to start of Basic Military Training (BMT)], the applicant began to have chest tightness and wheezing while doing details in his dorm and was sent to the emergency room on 30 Jun 10. While marching to the clinic for his follow-up appointment, he began to have the same symptoms and was treated for an asthma attack. The applicant was sent to the pulmonology clinic and diagnosed with asthma and started on medications which improved his symptoms. The provider indicated the applicant had symptoms consistent with asthma prior to BMT and that he reported being diagnosed with sinus infections and had previously been prescribed inhalers, prednisone, and antibiotics which had been used periodically prior to entry.

On 18 Aug 10, the IPEB found the applicant unfitting for asthma and determined that this condition was EPTS without permanent service aggravation based on the medical evidence. The IPEB noted that although not diagnosed, the applicant had symptoms of asthma and was treated with medications typically used to treat asthma (steroids and inhalers) indicating the asthma should be classified as EPTS. Additionally, there was no evidence of service aggravation for this condition. The IPEB recommended Discharge Under Other Than Chapter 61, Title 10, USC (EPTS) which is non-compensable under the DES. On 25 Aug 10, the applicant agreed with the IPEB findings and did not appeal to the FPEB to potentially find this condition as not EPTS or permanently service aggravated during PEB processing. The applicant was subsequently discharged without disability benefits on 2 Sep 10 with an honorable characterization of service.

The DD Form 214 submitted by the applicant correctly indicates he was honorably discharged under Separation Program Designator Code JFM for a disability which was EPTS, in accordance with our final disposition message, dated 31 Aug 10.

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 28 Feb 25 for comment (Exhibit D) but received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed. The Board notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Title 10, USC § 1552 and Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*.
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. 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. Medical evidence supports the applicant exhibited symptoms of asthma and was prescribed medications consistent with the treatment of asthma prior to entry into military service. Therefore, the Board recommends against correcting the applicant's records.
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 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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2024-03110 in Executive Session on 18 Jun 25:

, Panel Chair
, Panel Member
, Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 27 Aug 24.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, AFPC/DPFDD, w/atchs, dated 10 Feb 25.
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 28 Feb 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.

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Board Operations Manager, AFBCMR