



Work-Product

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

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### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-03121

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

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### APPLICANT'S REQUEST

1. His unfitting medical conditions be found as combat-related, as a direct result of armed conflict as defined in 26 U.S.C. 104 combat-related determination.
2. His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be corrected to add/change the following:
  - a. Survival, Escape, Resistance, and Evasion (SERE) course 245.
  - b. SERE course 100.
  - c. Joint Service Commendation Medal (JSCM) – will be administratively corrected.
  - d. Deployments from 2004, 2006, 2012, and 2013.
  - e. His narrative reason changed to Disability, Combat-Related.

### APPLICANT'S CONTENTIONS

His DD Form 214 does not reflect combat-related, nor does it reflect his award, training, or deployments. He was waiting on the previous board's corrections to make his request.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

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

On 23 Jan 14, AF IMT 618, *Medical Board Report*, indicates the applicant was referred to the Informal Physical Evaluation Board (IPEB) for degenerative disc disease (DDD) (L4-L5) with

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chronic low back pain, left radiculopathy, cervicalgia with cervical radiculopathy, and upper extremity paresthesia.

On 30 May 14, AF Form 356, *Informal Findings and Recommended Disposition of USAF Physical Evaluation Board*, indicates the applicant was found unfit due to his medical conditions of cervical radiculopathy, left upper extremity at 10 percent, cervical strain, cervical intervertebral disc syndrome (IVDS) at 10 percent, DDD, (L4-L5) lumbosacral spine, lumbar IVDS at 10 percent, and left lower extremity, radiculopathy at 10 percent with an overall disability compensation rating of 40 percent with a recommendation of "Permanent Retirement." His other conditions of tension headaches, insomnia disorder, status post right knee surgery, tinnitus, gastroesophageal reflux disease (GERD), and painful scars, right knee, right scapular region were found as category II conditions that could be unfitting but were not currently unfitting with the board noting these conditions did not appear to affect his ability to perform his duties. None of his conditions were found as combat-related as defined in 26 U.S.C. 104.

On 11 Jun 14, AF Form 1180, *Action on Physical Evaluation Board Findings and Recommended Disposition*, indicates the applicant agreed with the findings and recommended disposition of the IPEB and waived his rights to a formal hearing. He also indicated he did not request a one-time reconsideration of the disability rating for the conditions found unfitting.

Dated 2 Jul 14, Special Order **Work-Product** indicates the applicant was permanently disability retired in the grade of technical sergeant with a compensable percentage for physical disability of 40 percent, effective 29 Aug 14.

On 28 Aug 14, DD Form 214 reflects the applicant was honorably discharged in the grade of technical sergeant (E-6) after serving 11 years, 10 months, and 28 days of active duty. He was discharged, with a narrative reason for separation of "Disability, Permanent, Enhanced."

On 8 Feb 23, in a previous AFBCMR case number BC-2019-04536-2, the Board considered and partially granted his request for Combat-Related Special Compensation (CRSC) pay finding the applicant provided sufficient evidence his sciatic nerve paralysis, intervertebral disc syndrome, and middle radicular group paralysis were combat-related and qualified for CRSC. However, regarding his request for CRSC for his tension headaches, insomnia disorder, and GERD; the Board did not find them to be combat-related, finding insufficient evidence for a definite, documented, causal relationship between the disabilities and his special operations missions conducted on 7 Jan 13 and 13 Jan 13 and recommended denial of this request.

On 3 Feb 25, the letter from AFPC/DPFDC indicates the applicant was awarded CRSC for left lower extremity, radiculopathy; lumbosacral spine DDD (L4-L5) with lumbar IVDS, post status lumbar fusion; cervical radiculopathy, left upper extremity; right lower extremity, radiculopathy; painful scars, right knee, right scapular region; tinnitus; and status-post right knee surgery.

On 4 Apr 25, the AFPC/Recognition Team sent the applicant a letter stating they will administratively correct his DD Form 214 to add the Joint Service Commendation Medal.

For more information, see the excerpt of the applicant's record at Exhibit B, a letter from recognitions at Exhibit F and the advisories at Exhibits C, D, and E.

## APPLICABLE AUTHORITY/GUIDANCE

Per AFI 36-3202, *Separation Documents*, dated 22 Nov 05 incorporating changes through 30 Sep 09, Table 4, *How to Prepare DD Form 214*, Rule 29, *Remarks*, make only the entries authorized in rules 30 through 49, if they are applicable. Make no others unless specifically authorized by HQ AFPC/DPPRS. Department of Defense (DoD) named military operations or deployment locations are not an authorized entry on a member's DD Form 214 unless, under Rule 46, in the case of national emergency or war service when Air National Guard (ANG) or Reserve members are ordered to active duty.

## AIR FORCE EVALUATION

AFPC/DPMLWE (AF Training) recommends denying the applicant's request to add his SERE training to his DD Form 214. Per the Oracle Training Administration (OTA) Personnel Services Delivery Guide (PSDG), for a course to be authorized for update in a member's Military Personnel Delivery System (MilPDS) records, it must have a Personnel Delivery System (PDS) code associated with it. These courses are unable to be updated in applicant's MilPDS records due to not having a PDS code assigned. No such code was listed on the certificates or found during a search.

The complete advisory opinion is at Exhibit C.

AFPC/DP3AM recommends denying the applicant's request to add his deployments to his DD Form 214 finding no documentation in the applicant's Master Personnel records to verify deployments in 2004, 2006, 2012, and 2013.

The complete advisory opinion is at Exhibit D.

AFPC/DPFDD recommends denying the applicant's request to reflect his disability retirement as combat-related. Based on the documentation provided by the applicant and analysis of the facts, there is no indication an error or injustice occurred. Award of CRSC is not a contributing factor in a combat-related determination by the PEB or AFBCMR and there is no conclusive evidence to support the applicant's claim his DD Form 214 should be corrected to show he was disability retired due to a combat-related condition.

The PEB found the applicant unfit and he was medically retired. The PEB determined none of his conditions met the criteria for a combat-related determination as defined above and in 26 U.S.C. 104 and partially based this decision off documentation prepared during his Medical Evaluation Board (MEB). The MEB Narrative Summary (NARSUM) indicates his chronic low back pain began in approximately Apr 09 while at home station with no obvious inciting event. While deployed in early 2012 he reported worsening pain with radiation down the left leg but there is no indication he was involved in a combat-related event which further exacerbated this condition. In Jan 13 he began having bilateral upper extremity paresthesia with neck/shoulder pain while deployed. This was contributed to the wear of a helmet and night vision goggles during long flights. Injuries caused by repetitive wear of equipment such as individual body armor, helmets, and night vision goggles do not meet the criteria for a combat-related determination. Additionally, the commander's assessment of his conditions also indicated he was not deployed when his injuries occurred.

The applicant provided a Federal Claims Court settlement agreement concerning a previous AFBCMR claim for CRSC. However, the Disability Evaluation System (DES) and CRSC operate under separate laws and the term combat-related is defined and treated differently under these laws. Specifically, the primary definition of combat related for CRSC comes from Title 10 U.S.C. 1413a, whereas the controlling DES definition comes from Title 10 U.S.C. Chapters 61 and 26 U.S.C. 104(b)(3). Therefore, the DES decision is not a determining factor for CRSC consideration, so long as the applicant meets CRSC preliminary criteria by having a qualifying disability rating for which he/she is receiving Department of Veterans Affairs (DVA) compensation for service-connected disabilities under Title 38 U.S.C. Furthermore, CRSC approval after retirement has no bearing on a combat-related determination made by the PEB as part of DES processing.

The complete advisory opinion is at Exhibit E.

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

The Board sent a copy of the advisory opinion to the applicant on 4 Apr 25 for comment (Exhibit G), and the applicant replied on 9 Apr 25. In his response, the applicant contends he provided additional evidence to show his deployments during his combat flying time. He also submitted his training certificates showing completion of his training. Lastly, he understands there are separate laws regarding combat-related compared to CRSC payments but the definitions of this criteria are the same. In his appeal for CRSC, the Air Force located a Post-Deployment Health Assessment (PDHA) that detailed his health was worse after this deployment.

The applicant's complete response is at Exhibit H.

### **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)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence.
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/DPMLWE, AFPC/DP3AM, and AFPC/DPFDD and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board notes the applicant's award of CRSC; however, combat-related determinations made by the CRSC board are not annotated on the DD Form 214. Furthermore, the Board finds the applicant's PEB decision of finding his medical conditions as not combat-related, as a direct result of armed conflict as defined in 26 U.S.C. 104, was correct. The Board finds no conclusive evidence presented to indicate his unfitting medical conditions were the direct result of an armed conflict, hazardous service, or caused by an instrument of war. Injuries caused by repetitive wear of equipment such as body armor, helmets, and night vision goggles do not meet the criteria for a PEB combat-related determination. Additionally, the Board notes in his commander's assessment, he was not deployed when his injuries were incurred. For combat-related determinations, although the same definition is used to assess combat-related injuries for the DVA, PEB, and CRSC; different boards and governing regulations are used to make these decisions, and these decisions are not binding on one another. The combat-related findings and recommended disposition of unfitting conditions by the PEB are in accordance with AFI 36-3212, *Physical Evaluation for Retention, Retirement and Separation*, which determines the member's fitness for active duty. The DVA awards service-connected disabilities based on their standards, and they resolve any doubt in the interest of the veteran. The CRSC program is designed to provide compensation for combat-related injuries and uses other factors when determining whether claimed disabilities are combat-related. The PACT Act expanded DVA healthcare and benefits when considering certain conditions as presumptive due to toxic exposure and CRSC is sometimes awarded for presumptive conditions. Additionally, the Board finds the applicant was medically evaluated for numerous medical conditions rated by the DVA; however, several of his conditions were correctly determined as not unfitting at the time of his separation by the PEB. The mere existence of a medical diagnosis does not automatically determine unfitness and eligibility for a medical separation or retirement. The applicant's military duties were not degraded due to the medical conditions found as Category II conditions as there was no indication he was unable to reasonably perform the duties of his office, grade, rank, or rating due to these conditions. Furthermore, a rating by the DVA for a service-connected injury or illness does not constitute an unfit finding through the DES. The DVA is empowered to offer compensation for any medical condition with an established nexus with military service, without

regard to its impact upon a member's fitness to serve, the narrative reason for release from service, or the length of time transpired since the date of discharge. Lastly, the Board cannot recommend granting the applicant's request to have his SERE courses or deployments annotated on his DD Form 214. The courses cannot be properly annotated without a PDS code assigned and deployment operations and/or locations are not annotated on the DD Form 214. 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-2024-03121 in Executive Session on 22 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, w/atchs, dated 30 Aug 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMWE, dated 22 Jan 25.
- Exhibit D: Advisory Opinion, AFPC/DP3AM, dated 19 Mar 25.
- Exhibit E: Advisory Opinion, AFPC/DPFDD, w/atchs, dated 1 Apr 25.
- Exhibit F: Letter to Applicant, AFPC Recognitions, dated 4 Apr 25.
- Exhibit G: Notification of Advisory, SAF/MRBC to Applicant, dated 9 Apr 25.
- Exhibit H: Applicant's Response, w/atchs, dated 9 Apr 25.

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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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