



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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-03359

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, separation code with corresponding narrative reason for separation be corrected to reflect a medical retirement to allow for TRICARE benefits.

APPLICANT'S CONTENTIONS

His honorable discharge was because of his 100 percent service-connected injury which was incurred while he was a cadet at the United States Air Force Academy (USAFA). His Department of Veterans Affairs (DVA) documents reflect his 100 percent service-connected disabilities. The correction of the separation code will allow him to obtain TRICARE benefits along with other benefits which should be available to him.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former USAFA cadet.

On 17 Jan 03, USAFA Form O-614, *Cadet Medical Evaluation Board Report*, indicates the applicant's medical conditions of T10 spinal fracture, traumatic paraplegia, pseudomembranous colitis, right-sided pulmonary embolism, pancreatitis, and pneumothorax were found disqualifying for commissioning in the military due to the motor vehicle accident on 17 Nov 02.

On 2 Apr 03, DD Form 785, *Record of Disenrollment from Officer Candidate-Type Training*, indicates the applicant was administratively separated from appointment due to a medical disqualification.

On 10 Apr 03, it was directed the applicant be honorably discharged having been found medically disqualified for commissioning.

[REDACTED]

On 24 Apr 03, DD Form 214 reflects the applicant was honorably discharged from the USAFA after serving 9 months and 28 days of active duty. He was discharged, with a separation code of "JFW" and corresponding narrative reason for separation of "Medically Disqualified for Service."

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

APPLICABLE AUTHORITY/GUIDANCE

Per AFI 36-3212, *Physical Evaluation for Retention, Retirement, and Separation*, dated 30 Sep 99, paragraph 1.3.2, USAFA cadets are not eligible for disability processing.

The military's Disability Evaluation System (DES), established to maintain a fit and vital fighting force, can by law, under Title 10, United States Code (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. To the contrary, the DVA, operating under a different set of laws, Title 38, U.S.C., 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.

AIR FORCE EVALUATION

USAFA/A1A recommends denying the applicant's request to correct his DD Form 214 to annotate a medical retirement. With today's guidelines, an injury like the applicant's would result in permanent medical retirement with benefits and compensation that come with it. However, per AFI 36-3212, dated 2 Feb 06, paragraph 1.3.1.2, DES eligibility did not get extended to cadets unless their injury occurred on or after 27 Oct 04. At the time the applicant's injury occurred it was not standard procedure to have a cadet evaluated under the DES, therefore the cadet could not be retired under the program.

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 10 Apr 25 for comment (Exhibit D) and the applicant replied on 6 May 25. In his response, the applicant contends the separation code on his DD Form 214, "JFW" denotes a preexisting medical condition which rendered him unfit for continued service. This is incorrect as he had no pre-existing medical condition before he entered the service. His injuries occurred during his active-duty service. Per 10 U.S.C. Section

[REDACTED]

1201 he met the criteria to be processed through the Physical Evaluation Board (PEB) and his separation code should be corrected to "JEL" reflecting a permanent retirement.

The applicant's complete response is at Exhibit E.

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 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 USAFA/A1A and finds a preponderance of the evidence does not substantiate the applicant's contentions. In order for the applicant to qualify for TRICARE benefits and other military benefits, the applicant would have had to be processed through the DES with a recommendation of permanently medically retired. However, per AFI 36-3212, USAFA cadets were not eligible to be processed through the DES and the law was not changed until 2004, after the applicant's discharge. The Board notes the applicant was assigned a disability rating by the DVA showing he is 100 percent disabled due to a service-connected disability. However, this does not make the applicant eligible for a medical retirement as the DVA operates under a different set of law, Title 38, U.S.C., and can offer compensation for any medical condition which has a nexus to military service. The separation code currently annotated on the applicant's DD Form 214 is correct as he did not meet medical procurement standards in order to be commissioned into the Air Force. 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

[Redacted]

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-2024-03359 in Executive Session on 26 Jun 25:

[Redacted] Panel Chair
[Redacted] Panel Member
[Redacted] Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 16 Sep 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, USAFA/A1A, w/atchs, dated 9 Apr 25.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 10 Apr 25.
- Exhibit E: Applicant's Response, w/atchs, dated 6 May 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.

8/27/2025

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Board Operations Manager, AFBCMR
Signed by: USAF

AFBCMR Docket Number BC-2024-03359

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[Redacted] *Attorney-Client*
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