

FEB 10 1998

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NO: 97-00266

COUNSEL: NONE

HEARING DESIRED: NO

[REDACTED]
[REDACTED]

Applicant requests that the original diagnosis for his discharge be changed from "Fibromyalgia" to "Right Shoulder Trapezius Tenderness," a condition which does not warrant discharge. Applicant's submission is at Exhibit A.

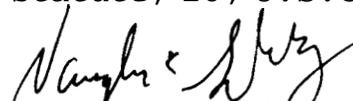
The appropriate Air Force offices evaluated applicant's request and provided advisory opinions to the Board recommending the application be denied (Exhibit C). The advisory opinions were forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinions appear to be based on the evidence of record and have not been rebutted by applicant. Absent persuasive evidence applicant was denied rights to which he is entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Mr. Vaughn E. Schlunz, Ms. Dorothy P. Loeb, and Mr. David W. Mulgrew considered this application on 5 February 1998 in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.


VAUGHN E. SCHLUNZ
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinions
- D. SAF/MIBR Ltr Forwarding Advisory Opinions

16 Jun 97
97-00266

MEMORANDUM FOR AFBCMR

FROM: BCMR Medical Consultant
1535 Command Drive, EE Wing, 3rd Floor
Andrews AFB MD 20762-7002

SUBJECT: Application for Correction of Military Records


Applicant's entire case file has been reviewed and is forwarded with the following findings, conclusions and recommendations.

REQUESTED ACTION: Applicant was discharged from the Air Force under provisions of AFI 36-3212 with a medical disability and severance pay on 22 Jun 96 after serving a total of 14 years, 4 months, 23 days on active duty. He applies now feeling the reason for his discharge was an invalid diagnosis, but does not state what change he is requesting.

FACTS: Applicant developed right-sided neck and shoulder pain in 1993 which continued to plague him and interfere with his duty performance up to the time of his discharge. He underwent extensive evaluation in military facilities but was never found to have an underlying organic or structural cause for his complaints. He further developed bilateral arm and leg pains along with fatigue and insomnia and was diagnosed with fibromyalgia, the diagnosis he contests. Supporting his contention is a statement from a Department of Veterans' Administration (DVA) examination which "doubted" the diagnosis. The problem led to excessive time lost from work for its evaluation, and medical entries in records indicate he was presented to a Medical Evaluation Board in late 1995. These records are not available for review, but a memo found states that officials of the SAF found him unfit for duty and ordered his separation with severance pay on 20 Feb 96. The continued problems endured by applicant definitely had a negative impact on his duty hours, and he offers no evidence to the contrary that would override the diagnosis for which he was discharged.

DISCUSSION: The chronic nature of applicant's problem led to a condition that precluded reasonable fulfillment of the purpose of his employment in the military service and was the basis for the decision to separate him. Lacking other diagnoses that would have responded to further treatment or surgical correction, the decision to separate him was justified and proper. Reasons for discharge and discharge proceedings are well documented in the records. Action and disposition in this case are proper and reflect compliance with Air Force directives which implement the law.

9700266

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE, TEXAS

26 Aug 97

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPD
550 C Street West Ste 06
Randolph AFB TX 78150-4708

SUBJECT: Application for Correction of Military Record [REDACTED]
[REDACTED]

REQUESTED ACTION Applicant requests that the original diagnosis for his medical discharge initiated under AFI 36-3212 be changed from "Fibromyalgia" to "Right Shoulder Trapezous Tenderness." Although the member does not state so in his request, we assume he desires to be reinstated back on active duty.

FACTS: Applicant was involuntarily discharged from the Air Force on 22 Jun 96 by reason of physical disability, with entitlement to disability severance pay, with a total of fourteen years, two months, and nineteen days of active duty. Member received a total of \$47,065.20 in disability severance pay.

DISCUSSION: The purpose of the military disability system is to maintain a fit and vital force by separating member; who are unable to perform the duties of their grade, office, rank or rating. Those members who are separated or retired by reason of physical disability may be eligible, if otherwise qualified, for certain disability compensations. Eligibility for disability processing is established by a Medical Evaluation Board (MEB) when that board finds that the member may not be qualified for continued military service. The decision to conduct an MEB is made by the medical treatment facility providing health care to the member.

A review of the AFBCMR revealed an MEB which convened at [REDACTED] California on 27 Oct 95. Based on the medical evidence provided to the Informal Physical Evaluation Board (IPEB), member was found unfit for continued military service on 21 Nov 95 and recommended his discharge with severance pay with a 20 percent disability rating. The applicant disagreed with these findings and with the assistance of appointed military counsel presented his case before the Formal PEB (FPEB) on 17 Jan 96. The FPEB concurred with the recommendations of the IPEB however, changed the disability rating to 10 percent. Member non-concurred with the FPEB and subsequently, the case was forwarded to the Secretary of the Air Force Personnel Council (SAFPC) for appropriate review and finalization. On 20 Feb 96, officials within the office of the Secretary of the Air Force approved the findings

9700266