

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-~~13383~~ **OCT 29 1998**

COUNSEL: NONE

HEARING DESIRED: NO

[REDACTED]

Applicant requests that her records be corrected to reflect a change in her time in service (TIS); she be awarded back pay for the income lost during her period on the Temporary Disability Retired List (TDRL); and, she be given supplemental consideration for promotion to the grade of technical sergeant. Applicant's submission is at Exhibit A.

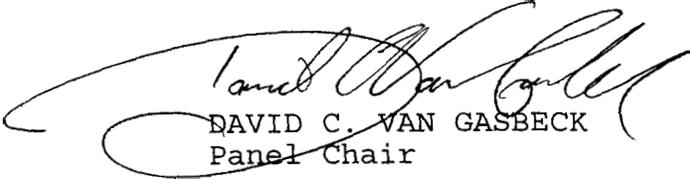
The appropriate Air Force offices evaluated applicant's request and provided advisory opinions to the Board recommending the application be denied (Exhibit C). The advisory opinions were forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by 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 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. David C. Van Gasbeck, Mr. Richard A. Peterson, and Mr. Jackson A. Hauslein considered this application on 20 Oct 98 in accordance with the provisions of Air Force Instruction 36-2603 and the governing statute, 10 U.S.C. 1552.


DAVID C. VAN GASBECK
Panel Chair

Exhibits:

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

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

16 Dec 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 Records [REDACTED]

REQUESTED ACTION Applicant requests that her military records be changed to correct **her time in service, back pay** for income lost during her period on the **Temporary Disability Retired List (TDRL)**, and supplemental promotion consideration to **Technical Sergeant** based on her conclusion that **she was erroneously placed on the TDRL.**

FACTS: Applicant **was** involuntarily retired from the **Air Force** on **11 Mar 96** for medical disability under the provisions of **AFI 36-3212** and placed on the TDRL. Member had completed ten **years, nine months**, and eight days of active duty. Subsequently, she was found fit for duty and removed from the **TDRL** on **3 Aug 97.**

DISCUSSION: The purpose of the military disability **system** is to **maintain** a fit and vital force by **separating** members who **are** unable to **perform the** duties of their grade, office, **rank** or **rating**. Members **who are** separated or retired for 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 care to the **member.**

A review of the member's records reflect **that an** MEB **was** conducted at Keesler AFB on **27 Oct 95** for a diagnosis of "Sarcoidosis, **Stage I**, with progressive shortness of breath and dyspnea on **exertion**," While she was first diagnosed with **this condition** in **1992**, **an** MEB was not convened until 1995 when her condition **had** progressively worsened. On **21 Nov 95**, the Informal Physical Evaluation Board (**IPEB**) found her unfit for continued military service and recommended **she** be placed on the TDRL **with a** 30 percent disability **rating**. Member concurred with the **findings and she** was placed on the TDRL effective **12 Mar 96.**

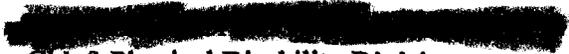
On **5 Jun 97**, the member received her **first** TDRL re-evaluation. Based on **the** updated medical documentation provided, her condition **was** found to **have subsided** and the **IPEB** found her fit for duty and recommended her removal **from** the **TDRL.** She **was** subsequently removed **from the TDRL** on **3 Aug 97** and she elected to **return to active duty** on **4 Aug 97,**

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After a thorough review of the applicant's file, we found no errors or irregularities. Her disability case ~~was~~ correctly processed, she was appropriately found unfit in Nov 95 and fit to return to duty in Jun 97, and she was afforded all rights to which she was entitled to under department directives and law.

RECOMMENDATION: We recommend denial of the applicant's request. The applicant has not submitted any material or documentation to show that the service member ~~was~~ improperly processed or found unfit at the time of her temporary retirement.

SIGNED


Chief, Physical Disability Division
Directorate of Pers Prog Management




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

22 DEC 1997

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPPWB
550 C Street West, Ste 09
Randolph AFB TX 78150-4711

SUBJECT: Application for Correction of **Military** Records

Requested Action. The applicant is requesting correction to her time in service (removal of the time spent on the Temporary Disability List (TDRL)), back pay, and supplemental promotion consideration to **TSgt.**

Reason for Request. The applicant claims that she **was** erroneously placed on the TDRL and as a result, **has** lost valuable time-in-service and **will** have to serve **an** additional one and one-half year, and will not be able to test for promotion **without** a correction to her records.

Facts. The applicant **was** placed on the TDRL on 11 **Mar 96** in the grade of SSgt. She **was** subsequently found fit and returned to active duty on 4 Aug 97.

Discussion.

a. When the applicant was placed on the TDRL on 11 **Mar 96**, she was ineligible for promotion consideration to **TSgt** for the **96E6** cycle (promotions effective Aug 96 - Jul 97) because she did not have the minimum time-in-grade (TIG) requirement. At the time she was placed on TDRL, promotion **testing** was **being** conducted for the **96E6** cycle. Although she is requesting supplemental promotion consideration to **TSgt** for the **97E6** cycle, she **was** ineligible for consideration because she **was** not on active duty. Promotion **testing** for the **97E6** cycle was conducted 15 Jan 97 - 31 **Mar 97** with promotions effective Aug 97 - Jul 98. She must have been on active duty **as** of 31 Dec 96, the Promotion Eligibility **Cutoff** Date (PECD) for **this** cycle to have been eligible, **assuming** she met all other eligibility requirements.

b. Hq AFPC/DPPD **has** addressed the issue of the **validity** of her placement on the **TDRL** and we defer to their recommendation. Unless the Board negates the TDRL and gives her credit for **continuous active** service while she **was** on the TDRL, she would not be entitled to supplemental consideration for the **97E6** cycle. If the **Board** does grant her request, she **would** be considered supplementally with the Promotion Fitness Examination (PFE) only since she **retrained** into another **Air** Force Specialty in Sep 97 after **she** returned to active duty. Because she **has** retrained **from** the 4N051 (Medical Services Journeyman) **Air Force** Specialty, she **can** no longer have access to the Specialty Knowledge Test (SKT) for it. **This** is why **she** would be

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considered SKT exempt for any supplemental consideration for the 97E6 cycle. In addition, she would be considered for the 97E6 cycle using the PFE score she obtains for the next cycle, 98E6. Testing for the 98E6 cycle will be conducted between 15 Jan 98 - 31 Mar 98. In accordance with AFI 36-2505, Atch 10 (Attach), when testing begins for the next cycle, tests for the previous cycle are destroyed as the Air Force does not administer obsolete tests for promotion consideration.

Recommendation. We defer to the recommendation of Hq AFPC/DPPD regarding the validity of her placement on the TDRL. If supplemental promotion consideration for the 97E6 cycle should be appropriate, the applicant would be considered with the PFE only (SKT exempt) based on the rationale provided.



Chief, Inquiries/AFBCMR Section
Enlisted Promotion Branch

Attachment
Extract cy AFI 36-2505



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A10.103. Personnel Departing to Contingency Operations. TCOs and TEs will use the following procedures for personnel deployed to real world operations with limited objectives (less than general or limited war), not including exercises.

A10.103.1. Give all members who deploy at least 90 days in support of a contingency operation 60 calendar days preparation time (30 days personal time (including leave) and 30 days study time) upon return to home station before testing them for promotion. Members must ensure they receive the authorized personal or study time. They may waive their right to the full 60 days preparation time by signing a statement. Complete promotion testing between 60 to 75 days after members return from deployment.

A10.103.2. Give all members who deploy for less than 90 days a delay in testing up to 30 days upon request from the unit commander. The unit commander must base this request on the duration of deployment and the conditions at the deployed location.

A10.103.3. Unit orderly rooms will advise MPFs as soon as possible when a member requiring testing is scheduled for deployment so that testing can be accomplished before departure. Unit orderly rooms and MPFs must advise deploying members to take their study references with them whenever possible.

A10.11. Testing after the Normal Test Cycle. Only test members out-of-cycle if they are late gains, previously overlooked, deployed, medically excused, or TDY for the duration of the cycle. Explain supplemental promotion procedures to the affected individuals (refer to AFI 36-2502).

A10.11.1. The MPF chief approves all out-of-cycle testing except for medical deferment as specified in paragraph A10.11.3. Testing in support of out-of-cycle supplemental consideration will be processed according to AFMAN 36-2622, volume 1, *Base Level Military Personnel System* (formerly AFM 30-130).

A10.11.2. Schedule individuals for testing who become eligible unexpectedly (e.g., supplementally promoted or correction of records action) after 30 days have passed from the date of identification. Do not give additional study time to individuals who were overlooked since it is their responsibility to be ready to test.

A10.11.3. Excuse airmen from testing with an escort during the appropriate test cycle for medical reasons if they have an AF Form 422, Physical Profile Serial Report, from the installation medical treatment facility. The AF Form 422 will indicate if the airman is or is not medically able to study during this period. Schedule testing after the release date of the temporary restriction listed on the AF Form 422. If the condition still exists after that date, the airman must obtain a new AF Form 422. Counsel airmen that unless they were restricted from studying, they will be tested upon release with no additional study time allowed and must prepare themselves accordingly. Give personnel who cannot study due to classified or restricted references 30 days study time upon medical clearance.

A10.11.4. Test patients assigned to Air Force medical facilities who have study references and are well enough to test as determined by the physician and unit commander. They may decline to do so just as other eligibles. Test patients who were in a non-Air Force hospital upon return to duty or transfer to an Air Force facility. Schedule these members for testing ensuring at least 30 days access to study reference material.

A10.12. Supplemental Testing. Test individuals for supplemental promotion consideration according to the individual test requirements provided by HQ AFMPC/DPMAJW and additional guidance from AFOMS/OMD. Give the current revision if testing for the next cycle has already begun. For example, tests valid for cycle 95A5 will be given until testing begins for cycle 96A5. Never administer an obsolete test for supplemental promotion consideration.

A10.13. Testing Notification. TCOs or TEs must coordinate test dates between MPFs, unit WAPS monitors, and/or unit commanders. The unit commander must notify and direct airmen to report for testing as scheduled. The unit commander also advises members that failure to show or late arrival may render them ineligible for promotion for that cycle. The airman completes AF Form/RIP 1566. The WAPS monitor returns the original to the MPF and gives a copy to the member.

A10.13.1. Airmen acknowledge receipt of the scheduled testing appointment by completing the RIP, 1st indorsement, paragraphs 2 and 3.

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