

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

FEB 24 1999

IN THE MATTER OF:

DOCKET NUMBER: 98-00317

[REDACTED]  
EI : [REDACTED]  
[REDACTED]

HEARING DESIRED: Yes

Applicant requests that her deceased husband be released from the Temporary Disability Retired List (TDRL) so that she can apply for survivor benefits. Applicant's submission is at Exhibit A.

The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit C). The advisory opinion was forwarded to the applicant/counsel 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 opinion appear to be based on the evidence of record and have not been rebutted by applicant. Absent persuasive evidence applicant's deceased husband 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 applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issues involved. Therefore, the request for a hearing is not favorably considered.

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 Ms. Martha Maust, Mr. Richard A. Peterson, and Mr. Patrick R. Wheeler considered this application on 4 August and 22 October 1998 in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.

*Martha Maust*  
MARTHA MAUST  
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinion
- D. AFBCMR Ltr Forwarding Advisory Opinion



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR RESERVE PERSONNEL CENTER

25 MAR 1989

MEMORANDUM FOR AFBCMR

1535 Command Drive EE Wing 3<sup>rd</sup> Floor  
Andrews AFB MD 20331-7022

FROM: HQ ARPC/DPAR  
6760 E Irvington Pl #1900  
Denver CO 80280-1900

SUBJECT: Application for Correction of Military Records, [REDACTED]  
[REDACTED]

1. The requested correction cannot be administratively accomplished at this headquarters.
2. The applicant's request for action is unclear, but it appears she wants her spouse released from the Temporary Disability Retired List (TDRL) so that she can apply for survivor's benefits. She claims that:
  - a. He was injured while in the Reserves and could not apply for service connection disability compensation with the Veteran's Administration because he did not have separation papers from the Reserves.
  - b. Now that he is deceased she cannot apply for survivor's benefits.
3. The following is an analysis of the circumstances surrounding the case:
  - a. The member fell down 14 stairs at his home on 10 July 1988 and fractured his sacrum and possibly the coccyx. He was treated by his private physician through physical therapy, a back brace and medication. He continued to have lower back pain and was unable to sit for long periods of time. He was released to return to his place of employment full time as a school bus driver on 24 August 1989.
  - b. On 9 February 1989 he was issued an AF Form 422, Physical Profile Serial Report restricting him from participating for pay and points as a result of his accident. He was subsequently medically disqualified for worldwide duty on 22 November 1989 for chronic low back pain. At this point he was given two options. Be discharged or apply for transfer to the Retired Reserve (Honorary). The member transferred to the Retired Reserve (Honorary) on 11 December 1989.

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c. During **his** military service, **the** member **served** in **the** United **States** Marine Corps Reserve **from** 11 July 1972 to 13 August 1972; United States Marine Corps **from** 14 August **1972** to 11 May 1976; and the United States Air Force Reserve from 2 October 1985 to 11 December **1989**, the effective date of **his** transfer to the Retired Reserve (Honorary). He completed 8 years and 10 days of Honorable Service and had accrued **a total** of 6 years, 8 **months**, and 28 days of satisfactory service.

d. At the time of his death, **the** member had a DD **Form 2AF (RES)** Identification (ID) Card in his possession with **an** expiration date of **29 June 2005**. **This ID Card** is for identification only; no benefits **are** authorized. **Due** to a **DOD** policy change in **1991**, members of the Retired Reserve (Honorary) are no longer issued, **an** ID Card.

e. The applicant **states** that her spouse was placed **on the** TDRL. The member is not currently on the **TDRL** and **the** Air Force Personnel Center disability section has no record of him ever being placed on the TDRL.

4. Recommend **this** application be denied. The member **was** never placed on the TDRL, **was** removed from the Retired Reserve (Honorary) upon his death, and **was** never eligible for Reserve retired pay under the provisions of Title 10, United States **Code (U.S.C.)**, Section **12731**. To establish eligibility for retired pay, a member must complete **20** years of satisfactory service, with the last 8 years of **qualifying** service in a **Reserve** component. Therefore, **his** spouse is not entitled to benefits under the Reserve Component Survivor Benefit Plan or **any** other military benefits.

5. Coordination with other **offices** is not required.

6. Action official is Ms. Debbie Weule, DSN **926-6369** or email [dweule@arpcmail.den.disa.mil](mailto:dweule@arpcmail.den.disa.mil).

*Linda A. Martin*

**LINDA A. MARTIN, Colonel, USAF**  
**Director of Personnel Program Management,**