



DEPARTMENT OF THE AIR FORCE

WASHINGTON, DC

OFFICE OF THE ASSISTANT SECRETARY

JUL 26 2006

MEMORANDUM FOR SEE DISTRIBUTION

FROM: SAF/MR

SUBJECT: Disability Determinations for Air Force Reserve and Air National Guard Members

Section 1207a of Title 10, U.S. Code, states that members of the Air Reserve Component (ARC) called or ordered to active duty for a period of more than 30 days, who have incurred a disabling condition and have at least eight years of active service, shall have the disability considered incurred while entitled to basic pay for the purpose of determining whether the condition was incurred in the line of duty. The eight years of active service do not have to be consecutive.

The applicable Air Force Instructions (AFIs) are AFI 36-3212, *Physical Evaluation for Retention, Retirement, and Separation* and AFI 36-2910, *Line of Duty Determination*. Both instructions direct that if an injury, illness or disease or the underlying condition causing it, existed before the member's entry into military service and was not aggravated by service, then a line of duty determination is not applicable.

Effectively immediately, notwithstanding the direction in AFIs 36-3212 and 36-2910, members of the ARC who have a disabling condition that existed before their current period of active duty will have that condition deemed to have been incurred while they were entitled to basic pay. The ARC member must have eight years of active service, have been on active duty orders for more than 30 days at the time the condition became unsatisfying, as subsequently determined by the Physical Evaluation Board, and meet all other requirements set forth in 10 U.S.C. section 1207a and AFIs 36-3212 and 36-2910.

The Disability Evaluation System has been using policy letters as their source for implementing the eight-year rule. Air Force Personnel Center now will incorporate the eight-year rule into AFIs 36-3212 and 36-2910, together with any related changes required to implement it effectively. In the meantime, after consultation with AFPC/JA, AFPC/CC is authorized to waive procedural requirements of the AFIs not established by law or Department of Defense (DoD) issuance, pursuant to the waiver procedures set forth in paragraph 2.23 of AFI 33-360, *Publications and Forms Management*, as necessary to give effect to this direction.