

## Battle Over Combat Pay

- [inShare0](#)

Major Alan B. Adams served as an officer in the United States Air Force from May 31, 1995 until his honorable discharge at his own request on July 1, 2006. His record of performance “from the start reflects nothing less than a stellar Air Force officer and KC-135 pilot destined for a bright career. . . .” But Major Adam’s career was cut short because of continuing effects of an accident that occurred in 1997, when he was struck by a car while riding his bicycle. Despite his pain, he performed as a pilot and received medical waivers from his flight surgeon, although he required medication and frequent physical therapy to treat low back and neck pain.

In 2004, Major Adams fell in his bathroom, which further exacerbated his condition. He had trouble sitting for prolonged periods, including when flying. Ultimately, Adams received a disability retirement with a 60% combined permanent disability rating, which entitled him to medical and other monetary benefits.

In 2011, Adams for the first time claimed that his medical retirement pay should be tax exempt under 10 U.S.C. § 1413a because his disability was “received in the line of duty as a direct result of armed conflict or caused by an instrumentality of war.” Following denial of his claim by the Air Force Personnel Center and the Air Force’s Combat-Related Special Compensation Board, Adams sued in the U.S. Court of Federal Claims, for money damages under Section 1413a, seeking to recover the additional combat pay special compensation benefits he claimed were owed to him.

The Court stated that the CFC’s scope of review of military correction board decisions is narrow, limited to determining whether a decision of the Board is arbitrary, capricious, unsupported by substantial evidence, or contrary to statutes and regulations. Both parties filed cross motions for summary judgment under RCFC 52.1, which governs motions for judgment on the administrative record.

The Court agreed with the Government, that Major Adam’s records reflected that his disability conditions originated from causes unrelated to combat. In addition, the Court further concluded that Adams’ flight duties did not aggravate his non-combat- related medical conditions.

Therefore, the Court granted the Government’s motion for judgment on the administrative record.

Read Judge Kaplan’s full decision [here](#).