

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NO: 96-02398

COUNSEL: None

OCT 28 1997

HEARING DESIRED: No

Applicant requests that he be allowed to reenter active duty, or in the alternative, his records be corrected to reflect that he did not turn down an assignment but was forced to retire. Applicant's submission is at Exhibit A.

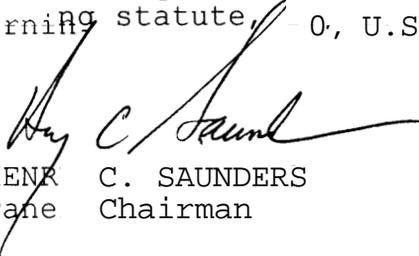
The appropriate Air Force offices evaluated applicant's request and provided advisory opinions to the Board recommending the application be denied (Exhibit C). The advisory opinions were forwarded to the applicant for review and response (Exhibit D). Applicant's response is attached at Exhibit E.

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 adequately 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. Henry C. Saunders, Mr. Joseph T. Wagner, and Mr. Richard A. Peterson, considered this application on 16 October 1997, in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 50, U.S.C. 1552.


HENRY C. SAUNDERS
Panel Chairman

Exhibits:

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



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON, DC

22 November 1996

MEMORANDUM FOR AFBCMR

FROM: HQ USAF/DPXFC
1040 Air Force Pentagon
Washington DC 20330-1040

SUBJECT: Application for Correction of Military Records [REDACTED]

- 1. Requested Action:** Retired USAF [REDACTED] has requested he be allowed to re-enter active duty service with the Air Force in the rank of Captain and that all **time spent** in retirement be credited towards time in grade (TIG).
- 2. Basis for Request:** Member contends that he was unfairly treated as a prior service officer under the Officer Volunteer Assignment System (OVAS). Specifically, OVAS selected only officers with **15 years** or more **TAFMS** as non-volunteers for overseas assignments. [REDACTED] argues that this rule placed an unfair burden on himself and other prior service officers.
- 3. Background:** The Officer Volunteer Assignment System which **existed from 1991 until Feb 1995** did select only officers with **15 years TAFMS** as non-volunteers to meet requirements when there were no volunteers. However, in light of **significant criticism from overseas organizations**, a review of **OVAS was conducted by [REDACTED] (Ret) in 1994**. The **Fairfield Study** findings resulted in several significant policy changes including the deletion of the **15 year non-volunteer rule**. These changes went into effect **1 February 1995** and OVAS was renamed the Officer Assignment System (OAS).
- 4. Facts:** [REDACTED] elected to retire in lieu of taking an assignment in January 1995. He retired on **30 November 1995** with **20 years, 7 months and 22 days** of service. He entered the Air Force as an enlisted member in April 1975; from 1977 to 1981 he **was** assigned to [REDACTED] from July [REDACTED] to December [REDACTED] he served as a recruiter in North Syracuse, NY; he was commissioned on **10 June 1986**; from **June 1986 to April 1990** he was at [REDACTED] AFB, TX; and from **April 1990 to April 1991** he served at [REDACTED] AFB, [REDACTED], his only overseas assignment. The tour length for Panama was changed to **24/12** on **6 November 1989** and was changed back to **36/24** on **1 June 1990**; [REDACTED] was initially assigned on a **24/12** month tour, however, **10 months** of his assignment were served after the tour length was changed back to **36/24** and he had the option of electing the accompanied tour. Total time served in Panama was

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11 months and 23 days. He was reassigned to Griffiss AFB from 14 [REDACTED] 1 until his retirement on [REDACTED]

[REDACTED] was selected for a second overseas tour as a non-volunteer in January 1995 prior to the 1 February 1995 change which deleted the 15 year non-volunteer rule. At that time he elected to retire in lieu of taking an assignment to Italy.

5. Discussion: OVAS did not single out prior service officers per se, for it applied to all officers with 15 years or more service. [REDACTED] attention that it was an "unfair" policy does not have merit, as the policy applied to both prior service and non-prior service officers alike. He was treated in the same manner as all officers with 15 years or more TAFMS. The policy effective date of 1 February 1995 deleting the 15 year rule was arbitrary and was implemented without regard to its affect on prior service personnel. There were other officers selected as non-volunteers in January 1995 who elected to continue to serve and not retire. [REDACTED] exercised his prerogative and retired when he believed procedures were not personally acceptable. To provide [REDACTED] an opportunity to return to active duty at this time would be a disservice to those who elected to serve under OVAS rules, including his fellow prior service officers.

6. Recommendation: Disapprove [REDACTED] request.



PHILIP M. ODOM, Major, USAF
Chief, AF Assignment & Class Policy

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



4 December 1996

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPRP
550 C Street West Ste 11
Randolph AFB TX 78150-4713

SUBJECT: Application for Correction of Military Records

Reference: [REDACTED]

Requested Action. The applicant is requesting he be allowed to re-enter active duty or that his records reflect he was forced to retire rather than face continued unfair treatment.

Basis for Request. Applicant's contention that he ~~was~~ unfairly treated has been addressed by HQ USAF/DPXFC. We defer to their advisory in this regard. However, since all retirement are voluntary (unless an officer is required by law to mandatorily retire) and applicant's DD Form 214 states he voluntarily retired in item 28, we cannot recommend his records reflect he was forced to retire.

Recommendation. Disapprove that portion of application that addresses a "forced" retirement. We defer to the recommendation by HQ USAF/DPXFC concerning applicant's claim of unfair treatment. Should the AFBCMR approve this request and direct reinstatement, we will rescind applicant's retirement order.

Mary Dauphine
MARY DAUPHINE, GS-9
Programs & Procedures Branch
Directorate of Pers Prog Mgmt

[REDACTED]

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