

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 96-02470

JUN 12 1998

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

Her records be corrected to reflect the period 18 June through 7 July 1996 was permissive temporary duty (PTDY) rather than ordinary leave.

APPLICANT CONTENDS THAT:

Her commander erroneously granted her permissive TDY prior to her separation from active duty. Two **days** prior to her final outprocessing, her commander's error was discovered. Her commander and Military Personnel Flight (MPF) chief told her to follow her plans and leave as scheduled.

In support of her request, applicant provided a statement from her commander who had erroneously approved the PTDY and copies of her leave request/authorization. (Exhibit A)

STATEMENT OF FACTS:

The available records reflect the applicant enlisted in the Regular Air Force on 20 August 1992 for a period of four years. On 31 July 1996, she was honorably released from active duty, under the provisions of AFI 36-3208 (voluntary release - miscellaneous/general reasons), and transferred to the Air Force Reserve. She is currently assigned to the Obligated Reserve Section.

The Commander's Programs Branch, AFPC/DPSFC, stated applicant's master military pay account (MMPA) shows 20 days of excess leave since applicant's days of leave exceeded the days accrued as of the date of release from active duty on 31 July 1996. The MMPA shows 11 days of leave prior to 18 June 1996; 20 days of leave 18 June - 7 July 1996 (which commander had erroneously approved as PTDY); and 24 days of terminal leave 8-31 July 1996. The MMPA shows applicant had 11.5 days of leave on 1 October 1995 and earned 23 days.

AIR FORCE EVALUATION:

The Commander's Programs Branch, AFPC/DPSFC, reviewed this application and recommended denial, stating the Transition Assistance Management Program (TAMP) under 10 USC, Chapter 58, provides for benefits and services for members being separated or recently separated. One of the benefits is PTDY for job or residence search. TAMP-eligible members include certain involuntary separatees, retirees, and separatees under the voluntary separation incentive (VSI) or special separation benefit (SSB) program. Applicant separated under normal voluntary separation provisions; therefore, she is not TAMP-eligible. (Exhibit C)

The Transition Operations Branch, AFPC/DPPTT, recommended denial stating applicant was released from active duty for miscellaneous/general reasons. She voluntarily separated and was not eligible for transition benefits. (Exhibit D)

The Claims Branch, DFAS-DE/FYCC, stated a review of applicant's military pay record shows that she was on Ordinary Type A leave 18 Jun - 7 Jul 96, and on terminal leave 8-31 July 96. She did incur a debt due to excess leave. (Exhibit E)

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 13 January 1997 for review and comment within 30 days. As of this date, no response has been received by this office.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Sufficient relevant evidence has been presented to demonstrate the existence of probable injustice. In this regard, the commander's erroneous permissive TDY authorization was not detected until two days before applicant's scheduled departure. Had this information been available to the applicant when she was contemplating voluntary separation, and in view of the fact that she would not have had sufficient accrued leave to cover the entire period, we believe she may have made a different career choice as to her actual separation date. In our opinion, it would be an injustice to penalize the applicant for an error that should have been detected when she initially began her outprocessing. Therefore, to preclude any injustice to the applicant, we recommend

that the records be corrected to reflect the applicant was on permissive TDY status rather than ordinary leave status during the period in question.

~~THE BOARD RECOMMENDS THAT:~~

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that during the period 18 June 1996 through 7 July 1996, she was in a permissive temporary duty (PTDY) status rather than ordinary leave (Type A) status.

The following members of the Board considered this application in Executive Session on 15 July 1997, under the provisions of AFI 36-2603:

Mr. Wayne R. Gracie, Panel Chair
Ms. Sophie A. Clark, Member
Mr. Michael P. Higgins, Member

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 15 Aug 96, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSFC, dated 1 Nov 96.
- Exhibit D. Letter, AFPC/DPPTT, dated 5 Nov 96.
- Exhibit E. Letter, DFAS-DE/FYCC, dated 23 Dec 96.
- Exhibit F. Letter, SAF/MIBR, dated 13 Jan 97.


WAYNE R. GRACIE



DEPARTMENT OF THE AIR FORCE
WASHINGTON DC

JUN 12 1998

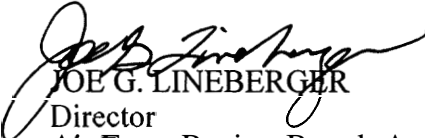
Office of the Assistant Secretary

AFBCMR 96-02470

MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED] be corrected to show that during the period 18 June 1996 through 7 July 1996, she was in a permissive temporary duty (PTDY) status rather than ordinary leave (Type A) status.


JOE G. LINEBERGER
Director
Air Force Review Boards Agency