

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

DEC 15 1998

IN THE MATTER OF:

DOCKET NUMBER: 98-01722

[REDACTED]

COUNSEL: NONE

[REDACTED]

HEARING DESIRED: YES

It appears that applicant is requesting his records be corrected to show he was appointed a commissioned officer in 1943. Applicant's submission is at Exhibit A.

Applicant's military personnel records were destroyed by fire in [REDACTED]. In attempting to reconstruct [REDACTED] record, an order dated [REDACTED] December [REDACTED], reflects applicant, as well as others, had been eliminated from "Avn/C and Avn/S (air crew) trng" (Exhibit B).

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 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, we found insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. Based upon the presumption of regularity in the conduct of governmental affairs and without evidence to the contrary, we must assume that the events surrounding applicant's elimination from aviation cadet training were proper and in compliance with appropriate directives. Therefore, we find no basis upon which to favorably consider this application.

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, Messrs. Michael P. Higgins, William E. Edwards, and Patrick R. Wheeler, considered this application on 1 December 1998 in accordance with the provisions of Air Force Instruction 36-2603 and the governing statute, 10 U.S.C. 1552.


MICHAEL P. HIGGINS
Panel Chair

Exhibits:

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

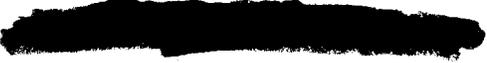


DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS

16 AUG 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPAE
550 C Street West, Ste 10
Randolph AFB TX 78150-4712

SUBJECT: Application for Correction of Military Record 

The applicant is requesting his records be corrected to reflect he was appointed a second lieutenant in the Army Air Forces on the basis that he was eliminated from flying training because of his ethnic affiliation. He has not filed a timely request.

A review of the policies in effect at the time of applicant's service indicates that aviation cadets were not automatically considered eligible for a commission. AR 615-160, 5 Nov 42, paragraph 22(a) states, "Selected aviation cadets who successfully complete a prescribed course of air crew training will be commissioned second lieutenants in the Army of the United States. All other aviation cadet graduates of air crew training will be appointed flight officers in the Army of the United States." However, the applicant states that a Board of Review eliminated him from flight training for missing a bomb target during a check ride. Although he believes he was destined to fail because of prejudice, he does not provide statements from witnesses or other evidence to support his claim. Although we understand the applicant's desire to receive the commission he deserves, we find no evidence of error or injustice. Therefore, we recommend disapproval of his request.


Chief, Skills Management Branch
Dir of Pers Program Management