

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

AUG 04 1998

IN THE MATTER OF:

DGCKET NUMBER: 97-02088

[REDACTED]
COUNSEL: None

[REDACTED]
HEARING DESIRED: No

APPLICANT REQUESTS THAT:

He be allowed to retire as a Chief Warrant Officer,

APPLICANT CONTENDS THAT:

The reasons the applicant believes the records to be in error or unjust and the evidence submitted in support of the appeal are at Exhibit A.

STATEMENT OF FACTS:

The relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the letter prepared by the appropriate office of the Air Force. Accordingly, there is no need to recite these facts in this Record of Proceedings.

AIR FORCE EVALUATION:

The Retirement Ops Section, Directorate of Personnel Program Management, AFPC/DPPRSO, reviewed this application and states that currently, they have no provisions in their procedures or in the law to allow retirement in the grade of chief warrant officer and they have no authority to circumvent current laws. To clarify, this is not a matter of waiving an AF policy but, rather, of circumventing the law in regard to the applicant's record as it now exists. However, the AFBCMR has authority to change an individual's records where they believe an error or injustice exists. Since the applicant is a Captain on active duty, they recommend no action be taken on this application until he has an approved retirement date. At that time, the AFBCMR can direct that the pertinent military records of the Department of the Air Force be corrected to show the applicant was retired in the grade of Chief Warrant Officer (W-2).

A complete copy of the evaluation is attached at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the Air Force evaluation and states that he would like to apply for retirement and have the AFBCMR direct that his pertinent military records of the Department of the Air Force be corrected to show he will be retired in the grade of Chief Warrant Officer (W-2) .

Applicant's complete response is attached at Exhibit E.

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 error or injustice. The Board notes that the Air Force recommends that once the applicant has an approved retirement date, his pertinent military records be corrected to show applicant was retired in the grade of Chief Warrant Officer (W-2). After reviewing the evidence submitted and noting the comments of the Air Force, we believe that the applicant's records should be corrected to the extent indicated below.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that:

a. He was not honorably discharged on 28 April 1998 and his enlistment in the Regular Air Force on 29 April 1998 be declared null and void.


b. He was relieved from active duty, effective 30 April 1998, and retired for length of service in the grade of Chief Warrant Officer (W-2) under 10 USC 1371, effective 1 June 1998.

The following members of the Board considered this application in Executive Session on 16 July 1998, under the provisions of AFI 36-2603:

Mr. Henry C. Saunders, Panel Chairman
Mrs. Barbara A. Westgate, Member
Mr. David C. Van Gasbeck, Member

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

- Exhibit A. DD Form 149, dated 9 Jul 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPRSO, dated 17 Sep 97.
- Exhibit D. Letter, AFBCMR, dated 29 Sep 97.
- Exhibit ~~E~~. Applicant's Response, dated 29 Oct 97



HENRY C. SAUNDERS
Panel Chair