

JUL 07 1998

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-02407

COUNSEL: None

HEARING DESIRED: No

APPLICANT REQUESTS THAT:

He be discharged from the Army Air Corps in the grade of master sergeant rather than technical sergeant.

APPLICANT CONTENDS THAT:

His supervisor, a first lieutenant, had told him privately that he had recommended [the applicant] for promotion to master sergeant. However, two days later his supervisor was killed in an aircraft accident and he was never promoted.

In support, applicant provides three letters with other documents and clippings confirming the supervisor's death. His complete submission is at Exhibit A.

STATEMENT OF FACTS:

Applicant's records were destroyed by the 1973 fire at the National Personnel Records Center.

The relevant facts pertaining to this application 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 Chief, Inquiries/AFBCMR Section, HQ AFPC/DPPPWB, reviewed this appeal. The author does not question the fact the applicant may have been told he was being recommended for promotion to master sergeant by his supervisor. However, the applicant himself states that all promotions in his Military Occupational Specialty (MOS) were "frozen" for the remainder of his tour. If

recommended, this is probably why he was never promoted. If the promotion had been approved, it would have been effective between 1942 and 13 October 1945, the date applicant was honorably discharged. Applicant's word is not being questioned; however, because promotions to master sergeant were frozen and the fact there is no documentation or evidence the promotion was ever approved, the author is unable to support this request.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Applicant reviewed the evaluation and states that promotions at [REDACTED] were not frozen until he was transferred to [REDACTED] a year later. He was given to understand that the position of photographic laboratory chief called for the rank of master sergeant. He provides names of individuals he knows who supervised their labs as master sergeants. He does not want any monetary rewards. He just wants the delayed promotion promised him. In a second rebuttal, he indicates he would take a lie detector test at his own expense to prove what he has reported. He's 78 and wants his "marker" to reflect the grade of master sergeant.

Applicant's complete responses are at Exhibit D.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.
3. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. We do not doubt the applicant's assertion that his supervisor told him he was being recommended for promotion to master sergeant. Unfortunately, since the applicant's records were destroyed by the 1973 fire, we are unable to ascertain whether the recommendation was ever actually submitted, if it was in fact approved but misplaced, or actually disapproved. While the burden of proof rests with an applicant, we are moved by this individual's obvious sincerity and his stated wish for no monetary rewards---merely the fulfillment of a promise made long ago. Since there is no proof that the asserted recommendation was ever approved, we cannot in good conscience award him any back pay and benefits. However, since the possibility also exists that he was indeed approved for promotion, we believe a fair

compromise would be to discharge him in the grade of master sergeant., rather than technical sergeant, and we so recommend.

THE BOARD RECOMMENDS THAT:


The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that he was promoted to the grade of master sergeant effective 12 October 1945 and, on 13 October 1945, he was honorably discharged in the grade of master sergeant.

The following members of the Board considered this application in Executive Session on 12 May 1998 under the provisions of AFI 36-2603:

Mr. Thomas S. Markiewicz, Panel Chair
Mr. Richard A. Peterson, Member
Mr. Loren S. Perlstein, Member

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

- Exhibit A. DD Form 149, dated 10 Aug 97, w/atc.
- Exhibit B. Letter, HQ AFPC/DPPPWB, dated 26 Aug 97.
- Exhibit D. Letter, AFBCMR, dated 2 Sep 97.
- Exhibit E. Letters, Applicant, undated and dated 4 Dec 97.


THOMAS S. MARKIEWICZ
Panel Chair