

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-02864

COUNSEL: NONE

HEARING DESIRED: NO

AUG 14 1998

APPLICANT REQUESTS THAT:

His records be corrected to reflect that he was authorized 45 days of Permissive Temporary Duty (PTDY), and that 45 days of leave be restored to his current leave account.

APPLICANT CONTENDS THAT:

He should have been allowed PTDY for his daughter's hospitalization for the period 12 Jan 96 through 26 Feb 96.

In order to help the Board understand his situation, he is providing his version of the chain-of-events. He does not have documentation to support his claims because the whole situation was handled telephonically.

In support of his appeal, the applicant provided medical documentation pertaining to his baby daughter.

Applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

Information extracted from the Personnel Data System (PDS) indicates that the applicant is currently serving on active duty in the grade of airman first class.

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 Commander's Programs Branch, AFPC/DPSFC, reviewed this application and recommended partial relief. DPSFC noted that the applicant's leave history showed 63 days of charged leave from

23 Dec 95 to 23 Feb 96. The applicant was on leave between technical school at ██████████ Air Force Base (AFB) and his assignment to ██████████ Base (AB) when his daughter was born on 11 Jan 96. His daughter developed serious medical problems and remained in the hospital until 4 Feb 96. Because Aviano AB medical facilities were inadequate for his daughter's follow-on medical treatments, the applicant applied, and received approval, for reassignment under the Exceptional Family Member Program (EFMP) to ██████████ AFB. The EFMP humanitarian reassignment office shows it received the EFMP application, dated 22 Jan 96, on 6 Feb 96, with a close-out date of 13 Feb 96. According to DPSFC, Air Force assignment and leave policy state that the time between submitting the request for reassignment and the AFPC approval authority response is chargeable leave. The system showed the applicant arrived at ██████████ AFB on or about 26 Feb 96. In this case, DPFSC stated that they support granting partial relief for the time the applicant's daughter was in the hospital. Air Force policy authorizes PTDY during a dependent's hospitalization at a medical treatment facility distant from the member's duty location. Therefore, DPFSC recommended that the applicant's record be corrected to show that he was on PTDY for the period 11 Jan 96 to 4 Feb 96, and that 25 days of leave be restored to his current leave account.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to applicant on 9 Feb 98 for review and response. As of this date, no response has been received by this office (Exhibit C).

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. We noted that the applicant was charged leave from 23 Dec 95 to 23 Feb 96. We further noted that his daughter was born on 11 Jan 96 and remained hospitalized until 4 Feb 96. After reviewing the available evidence, we agree with the recommendation by the Air Force office of primary responsibility (OPR) that the applicant's records should be corrected to reflect he was authorized PTDY for the period of his daughter's birth until her release from the hospital, and that 25 days of leave be added to his leave account. While we find no evidence that the

applicant was charged any additional leave contrary to the prevailing regulation, we are persuaded that further relief is warranted in this case, in the interest of justice. In this respect, we noted that the applicant's daughter developed serious medical problems after her birth. In view of the gravity of his daughter's condition, she undoubtedly required a period of recuperation even after her release from the hospital. Furthermore, probable limitations of the applicant's wife after giving birth necessitated the applicant's help and support in the care of his daughter. In view of the above, we recommend that the applicant's records be corrected to reflect that he was authorized PTDY for the period 11 Jan 96 to 23 Feb 96, and that 44 days of annual leave be added to his current leave account. In our view, this affords the applicant proper and fitting relief, and removes the possibility of any injustice.

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 11 Jan 96 to 23 Feb 96, he was authorized and placed in permissive temporary duty (PTDY) status, rather than charged annual leave; and, 44 days of annual leave were added to his current leave account.

The following members of the Board considered this application in Executive Session on 28 May 98, under the provisions of AFI 36-2603:

Mr. Wayne R. Gracie, Panel Chair
Ms. Rita S. Looney, Member
Ms. Ann L. Heidig, Member

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

- Exhibit A. DD Form 149, dated 22 Sep 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSFC, dated 22 Jan 98.
- Exhibit D. Letter, SAF/MIBR, dated 9 Feb 98.

Wayne R. Gracie

WAYNE R. GRACIE
Panel Chair



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

Office of the Assistant Secretary

AUG 14 1998

AFBCMR 97-02864

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 11 Jan 96 to 23 Feb 96, he was authorized and placed in permissive temporary duty (PTDY) status, rather than charged annual leave; and, 44 days of annual leave were added to his current leave account.


Joseph E. LINEBERGER
Director
Air Force Review Boards Agency