

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NO: 97-03095

JAN 13 1999

COUNSEL: NONE

HEARING DESIRED: NO

Applicant requests that he receive retroactive retired pay based on the over 22 year pay scale for the period 16 December 1963 through 6 June 1989, Applicant's submission is at Exhibit A.

The appropriate Defense Finance and Accounting Service and Air Force offices evaluated applicant's request and provided advisory opinions to the Board recommending the application be denied (Exhibit C). The advisory opinions were forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinions appear to be based on the evidence of record and have not been rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

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 Ms. Charlene M. Bradley, Mr. Terry A. Yonkers, and Ms. Peggy E. Gordon, considered this application on 16 December 1998, in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.



CHARLENE M. BRADLEY
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinions
- D. AFBCMR Ltr Forwarding Advisory Opinions



DEFENSE FINANCE AND ACCOUNTING SERVICE

CLEVELAND CENTER

PO Box 99191
CLEVELAND, OH 44199-1126

(DFAS-CL/FRAB)

April 3, 1998

MEMORANDUM FOR AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

FROM: DEFENSE FINANCE AND ACCOUNTING SERVICE - CLEVELAND CENTER,
RETIRED PAY OPERATIONS
PO BOX 998004
CLEVELAND OH 44199

SUBJECT: Application for Correction of Military Records
[REDACTED]

1. Requested Action: LtCol [REDACTED] requests retroactive retired pay from his retirement date of 16 December 1963 through 6 June 1989.

2. Basis for Request: The basis for this request is LtCol [REDACTED] belief that he was incorrectly paid since he was placed on the retired list in 1963 based on the over 20 year pay scale vice the over 22 year pay scale as he believes is correct.

3. Background: LtCol [REDACTED] believes that a period of enlisted reserve service from January 31, 1942 through September 2, 1942 was not included in his service for basic pay. His retired pay account was erroneously adjusted to reflect this additional credit, retroactive to June 7, 1989. At this time we will not act to correct unless/until advised that LtCol [REDACTED] is not entitled to the additional credit.

4. Recommendation: If it can be determined that LtCol [REDACTED] is entitled to credit for the additional service, his account will be fully adjusted.

D. Disbrow
Technical Branch
Retired Pay Operations

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

AUG 11 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPRR
550 C Street West Ste 11
Randolph AFB TX 78150-4714

SUBJECT: Application for Correction of Military Records (DD Form 149)
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1. REQUESTED ACTION: Applicant requests retroactive retired pay from **his** retirement date of 27 Dec 1963 through 6 Jun 1989.
2. BASIS FOR REQUEST: Applicant believes that he **was** incorrectly paid since he **was** placed on the retired list in 1963 based on the over 20 **year** pay scale vice the over 22 **year** pay scale he believes is correct. Applicant **also** believes that he held military **status** during the period 31 Jan 1942 through 2 Sep 1942.
3. BACKGROUND: Applicant entered military **status** on 4 Sep 1941 **as** an Aviation Cadet and **was** discharged on 31 Jan 1942 for Flying deficiency. He again entered military **status** on 19 Oct 1942 **as** a Second Lieutenant and served continuously until **his** retirement for medical disability on 27 Dec 1963.
4. DISCUSSION: A complete audit of applicant's master personnel records indicates **his** Active Service for Retirement of 21 years, 6 months, and 28 days and Service for Basic Pay of 21 years, 7 months, and 5 days are correct. Additionally, please see applicant's retirement order (attached) that also reflects 21 years, 7 months, 5 days for 10 USC 1405 service and 22 years, 2 months, 1 day for 10 USC 8888/8927 service. Applicant had no military **status** during the period 1 Feb 1942 through 18 Oct 1942. Applicant's retirement order and statement of service (attached) are correct **as** they appear.

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5. **RECOMMENDATION:** We cannot find evidence that applicant served in any United States military service for the period 31 Jan 1942 through 2 Sep 1942. Recommend his retirement order remain as stated.



WILLIAM GILBERT, GS-6
Retirements & Separations Ops Sec
Directorate of Pers Program Mgmt

Attachments:

1. DAF SO AC-2536, 5 Dec 1963
2. DD Form 13, 24 Jul 1961



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