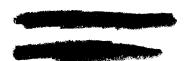
RECORD OF PROCEEDINGS AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS 27 1998

IN THE MATTER OF:

DOCKET NUMBER: 97-03743



COUNSEL: None

HEARING DESIRED: No

Applicant requests that his status be changed from technical sergeant (E-6) to master sergeant (E-7) on the Air Force Retired List; that he recoup the difference in active duty pay between E-6 and E-7 from the time he was demoted on 1 Apr 92 until he retired on 1 Sep 94; and, that he recoup the difference in retirement pay from the time of retirement to present in retired pay between E-6 and E-7. Applicant's submission is at Exhibit A.

The appropriate 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). Applicant's response to the advisory opinion is at Exhibit E.

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 adequately 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 Mr. Vaughn E. Schlunz, Mr. Richard A. Peterson, and Mr. Patrick R. Wheeler considered this application on 29 September 1998 in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.

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VAUGHN E. SCHLUNZ Panel Chair

Exhibits:

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



23 FEB 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPPWB 550 C Street West, Ste 09 Randolph AFB **TX** 78150-4711

SUBJECT: Application for Correction of Military Records

<u>Requested Action</u>. The applicant is requesting his status be changed from **TSgt** (*E-6*) to his former grade of **MSgt** (E-7) on the Air Force Retired List, recoup the difference in pay for active duty and retired time between E-6 and E-7.

<u>Reason for Request</u>, The applicant believes that his demotion to E-6 was due to his inability to satisfactorily lose the 2 percent body fat required during that period; however, since then, the **Air** Force changed satisfactory progress to mean the loss **of** 1 percent body fat or **5** pounds per month for males. He contends if he **fell** under those **rules**, he would have had a satisfactory **progress** and not **been** demoted.

Facts. The applicant was demoted from MSgt to **TSgt under** the provisions of AFR **39-30**, para **3D**, for failure to maintain his weight **within** the required **Air** Force standards. See AFPC/DPSFC, **IIr** 17 Feb **98**.

Discussion. The applicant was demoted per Special Order A-28, Sector and the permanent grade of master sergeant to the permanent grade of technical sergeant effective and with a date of rank of 1 Apr 92, under the provisions of AFR 39-30, paragraph 3D (failure to maintain his weight). Should the AFBCMR grant the request, the effective date and date of rank to master sergeant was 1 Mar 90. The applicant's case file does not contain a copy of the demotion package. We would normally review the demotion action for compliance with the procedures outlined in AFR 39-30. However, the applicant is not questioning the procedural correctness of the demotion action but rather the basis for it.

Recommendation. We defer to the recommendation of AFPC/DPSFC.

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Chief, Inquiries/BCMR Section Enlisted Promotion & Mil Testing Br

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

7 FEB 1998

MEMORANDUM FOR SAF/MIBR

FROM: HQ AFPC/DPSFC 550 C Street West, STE 37 Randolph AFB TX 78150-4739

SUBJECT: Application for Correction of Military Records -

Requested Action: The applicant requests his status be changed from Technical Sergeant (E6) to Master Sergeant (E-7) on the *Air* Force Retired List, recoup the difference in active duty pay between **TSgt** and MSgt from the time he was demoted on 1 Apr **92** until he retired on 1 Sep **1994, and** the difference in retirement pay from the time of retirement to present in retired pay between **E-6** and **E-7**.

Basis for Request: The applicant contends his demotion to **E-6** was due to his inability to satisfactorily lose the 2 percent body fat required during that period; however, since then, the Air Force changed satisfactory progress to mean the loss of 1 percent body fat or 5 pounds per month for males. He contends if he fell under those rules, he would have had a satisfactory progress and not been demoted.

Discussion: Maintaining **Air** Force weight and body fat standards is **an** individual responsibility. Obesity not only detracts from a professional military appearance and the confidence the public **has** in their national defense, but according to the National Institute of Health (NIH), it **is** also **a** dangerous health risk. NIH reports obesity is as lethal **as** high blood pressure or smoking cigarettes and causes heart attacks, strokes, diabetes, and cancer. Therefore, exceeding Air Force weight standards increases a person's risk of serious health problems, thereby impacting on the individual's and the **Air** Force's mission readiness.

The WMP is a rehabilitative program designed to encourage safe, effective weight loss/body fat reduction, and closely replicates proven civilian weight loss programs. Individual's who allow themselves to exceed the Air Force body fat standards are subject to administrative actions that **may** reflect during and after their career. Administrative actions may consist of counseling, reprimands, denial of promotion, and ultimately involuntary separation. These actions support good order and discipline necessary for a strong military force.

Unit commanders may approve temporary medical deferrals for participants in Phase I of the WMP (the active weight/body fat loss phase), when recommended by a medical practitioner. Commanders **are** required to notify individuals who get deferrals that they remain ineligible for many career related events, since the temporary medical deferral (weight status code 5) is considered Phase I of the WMP. Individuals with the temporary medical deferral are exempt

from weight checks, body fat measurements and/or participation in an exercise program for the duration of the deferral, at which time, a new base line is established and the member continues in the program.

Commanders make every effort to assist individuals in their quest to maintain their weight and body fat standards. A medical evaluation, diet counseling(s), 90-day exercise program, and monthly checks are provided **as** rehabilitative support for individuals who exceed weight and body fat **standards**. It is never an easy decision for commanders to take administrative action against a member of their organization, and is **only** done as **a** last recourse. Outstanding performance of **duty**, while commendable, does not **justify** a waiver of weight standards.

Facts: Member was enrolled in the WMP on **26** Feb 91. Member was noted as failing on four separate occasions to lose the required 2 percent body fat resulting in the commander taking the following administrative actions:

24 Jul 91 - Verbal Counseling

10 Sep 91 - LOR (Letter of Counseling) with Unfavorable Information File (UIF) for unsatisfactory progress on 19 Aug 91

19Nov 91 - Commander directed EPR and Control Roster

21 Jan 91 - Demotion to E-6

Recommendation: Deny request. Commander's actions were accurate. The Interim Message Change (IMC) **93-1**, to AFR 35-11, **5** Feb 91, was not effective until 30 Jun 93. This IMC changed satisfactory progress standards "from a 2 percent body fat reduction monthly for males/females to a 1 percent body fat reduction or **3 pound** loss for females **and a** 1 percent body fat reduction or 5 pound loss for males." It also stipulated, "All monthly measurements taken prior to receipt of this message under former policy remain valid."

USAF

Chief, Commander's Programs Branch

Attachment: IMC 93-1, 30 Jun **93** 301332Z JUN 93 RR RR UUUU

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HQ AFMPC RANDOLPH AFB TX//DPMA// AIG 9411//IMPD/MSIPD/DP/DPM/MSP// AIG 8201//SG/SGP/SGA// AIG 10607//MSM// INFO SAF WASHINGTON DC//AAIPSP/AAISML// HQ USAF WASHINGTON DC//DPXA//

ANGRC ANDREWS AFB MD//DPAR//

JNCLAS

UBJ: INTERIM MSG CHANGE 93-1 TO AFR 35-11, 5 FEB 91.

.. THE FOLLOWING CHANGE'S ARE EFFECTIVE THIS DATE FOR ALL PERSONNEL INTERED IN THE WEIGHT MANAGEMENT PROGRAM (WMP). SATISFACTORY 'ROGRESS STANDARDS ARE CHANGED FROM A 2% BODY FAT REDUCTION MONTHLY FOR MALES/FEMALES TO A 1% BODY FAT REDUCTION OR 3 POUND LOSS FOR FEMALES AND A 1% BODY FAT REDUCTION OR 5 POUND LOSS FOR MALES. ALL 'IONTHLY MEASUREMENTS TAKEN PRIOR TO RECEIPT OF THIS MESSAGE UNDER 'ORMER POLICY REMAIN VALID. WITH THIS REVISION AN INDIVIDUAL NEED "LY MEET ONE REQUIREMENT TO PROGRESS SATISFACTORILY; HOWEVER, MUST 'AIL BOTH TO BE CONSIDERED UNSATISFACTORY.

- PARAGRAPH CHANGES:

.. PAGE 4, PARA 1-2M: CHANGE PARA TO READ: "SATISFACTORY PROGRESS. A

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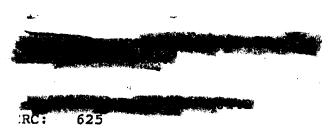
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CHANGE IN BODY FAT COMPOSITION OR WEIGHT RESULTING IN A DECREASE OF AT LEAST I PERCENT IN BODY FAT PER MONTH OR A WEIGHT LOSS OF 3 POUNDS FOR FEMALES OR 5 POUNDS FOR MALES. WSC 1."

3. PAGE 5, PARA 1-2P: CHANGE PARA TO READ: "UNSATISFACTORY PROGRESS. -FAILURE TO REDUCE BODY FAT OR WEIGHT AT THE RATES DESCRIBED FOR SATISFACTORY PROGRESS, OR AN INCREASE..."

2. PAGE 18, PARA 2-22E: CHANGE PARA TO READ: "DURING PHASE I, INDIVIDUALS WILL BE MEASURED FOR WEIGHT AND BODY FAT ON A MONTHLY SASIS TO DETERMINE PROGRESS. SATISFACTORY PROGRESS IS DEFINED AS A 'HANGE IN BODY COMPOSITION RESULTING IN A 1 PERCENT DECREASE IN BODY 'AT PER MONTH OR A WEIGHT LOSS OF 3 POUNDS PER MONTH FOR FEMALES OR 5 'OUNDS PER MONTH FOR MALES. COMMANDERS MAY WEIGH AND MEASURE MEMBERS' BODY FAT PERCENTAGE MORE FREQUENTLY TO REINFORCE REHABILITATIVE EFFORTS; HOWEVER, ONLY THE WEIGHT/MEASUREMENT TAKEN AT THE END OF THE 'ROGRESS PERIODS WILL BE CONSIDERED AN OFFICIAL MEASUREMENT TO)ETERMINE SATISFACTORY OR UNSATISFACTORY PROGRESS. ONCE MEMBERS MEET 'ODY FAT STANDARDS, REGARDLESS OF WHEN THE MEASUREMENT IS TAKEN, THE COMMANDER MAY ENTER THEM INTO PHASE II (WITH THE EXCEPTION OF 'ERSONNEL REENTERED INTO PHASE I FROM PHASE II OR THE PROBATION 'ERIOD, WHO WILL REMAIN IN UNSATISFACTORY STATUS FOR AT LEAST 1



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ајв 3 33 04 3013322 JUN 93 RR "RR UUUU OK. 4ONTH) ." 3. WRITE-IN CHANGES: PG PARA LINE ACTION

5 1-24 3 CHANGE "FAT INDIVIDUALS...STANDARDS." TO "FAT Mare -CNDIVIDUALS IN MEETING AIR FORCE STANDARDS."

10 2-4B(2)(C) 6 CHANGE "LOSE 6.. .EACH" TO READ "LOSE 1 PERCENT BODY AT OR 3 POUNDS FOR FEMALES AND LOSE 1 PERCENT BODY FAT OR 5 POUNDS 'OR MALES EACH"

10 2-4B(2)(D) 2 DELETE "(6 PERCENT BODY FAT)".

1 2-5B 8 CHANGE "A LOSS...MONTH." TO "A LOSS OF 1 PERCENT 30DY FAT OR 3 POUNDS FOR FEMALES AND 5 POUNDS FOR MALES EACH MONTH-" 1 2-5D(4) 3 CHANGE ''UNSATISFACTORY BODY FAT LOSS PERIODS" TO "UNSATISFACTORY MEASUREMENT PERIOD"

12 2-9 10 CHANGE "MONTHLY BODY FAT LOSS STANDARD" TO "MONTHLY LOSS STANDARD"

21 2-28B 10 CHANGE "(ACHIEVING LESS...MONTH)" TO "(ACHIEVING LESS THAN 1 PERCENT BODY FAT LOSS OR THE 3 POUND FEMALE/5 POUND MALE 'EIGHT LOSS REQUIREMENT)"

11 ATCH 11 18 CHANGE "BODY FAT LOSS EVALUATED..." TO "MONTHLY LOSS **EQUIREMENT** EVALUATED. ..."

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UNCLASSIFIED ٦ 04 04 3013322 JUN 93 RR RR UUUU AJB 3 OV. 51 ATCH 11 19 CHANGE SENTENCE TO READ "MUST LOSE 1 PERCENT OF BODY. ?AT OR 3 POUNDS FOR WOMEN AND 5 POUNDS FOR MEN EACH MONTH" 1. THIS CHANGE IS INCORPORATED IN THE AIR FORCE INSTRUCTION WHICH IS PENDING FINAL COORDINATION. Colina -5. THIS MESSAGE HAS BEEN COORDINATED WITH ANGRC/DPAR. SINCE AFR 35-11 IS NOT APPLICABLE TO THE ANG, THEY WILL PROVIDE GUIDANCE ON IMPLEMENTING THIS CHANGE. 5. IF YOU HAVE ANY QUESTIONS, POC IS 301332ZJUN93 UNCLASS IF IED

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