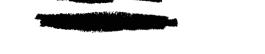
RECORD OF PROCEEDINGS AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NO: 98-00186

COUNSEL: NONE

HEARING DESIRED: NO



Applicant requests that his early retirement under the Temporary Early *Retirement Authority (TERA) be upgraded to a 20 year retirement for pay purposes. Applicant's submission is at Exhibit A.

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

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 opinion 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 Mr. Thomas S. Markiewicz, Mr. Jackson A. Hauslein, and Mr. Michael P. Higgins considered this application on 9 July 1998 in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.

THOMAS S. MARKIEWICZ

Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinion
- D. SAF/MIBR Ltr Forwarding Advisory Opinion

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

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPRR

550 C Street West Ste 11

Randolph AFB TX 78150-4713

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<u>Requested Action</u>: Applicant requests his early retirement under the Temporary Early Retirement Authority (TERA) be upgraded to a 20 year retirement for pay purposes.

Passis: Applicant contends he initiated paperwork at time of retirement that stated if he went into full time community service for a specified amount of time, his retirement would be upgraded to a 20 year retirement for pay purposes.

Facts:

- a. Applicant requested and was approved for a TERA retirement effective on 31 Aug 94 as a MSgt.
- b. Applicant signed his DD FM 214, Certificate & Release or Discharge From Active Daty, (Included in his Master Personnel Record Group) which included the following statement:

"Member is retiring as provided by Section 4403 of the FY93 National Defense Authorization Act (PL 102-484) and may qualify for a recomputation of retired pay at age 62 pursuant to Section 4464 of the same law."

c. Military Personnel Flight Letter (MPFL)93-024, FY94 Voluntary Early Retirement Program, 9 Apr 93 (Atch 1) includes information about registering on the Public and Community Service Registry (PACS) under 10 U.S.C. 1143a. It also includes information on recomputation of retired pay at age 62.

Recommendation: Deny.

Considering the above policy and applicant's personnel records, complete and accurate information was provided to the applicant during his retirement processing. We do not see where an injustice or error has occurred. The law is specific about recomputing the retired pay at age 62. Applicant just turned 41 years of age.

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We have included a PACS fact sheet (Atch 2) and a questions and answers document (Atch 3) which will assist the AFBCMR and the applicant with information about PACS. The information sheet also includes the 1-800 phone number for the Defense Manpower Data Center help desk which can also provide the applicant with additional information.

SHEILA A. TRONSDAL, Major, USAI

Chief, Retirements Branch

Directorate of Personnel Program Mgmt

Attachments:

- 1. Extract of MPFM 93-024 dated 9 Apr 93
- 2. PACS Fact Sheet
- 3. PACS Questions and Answers