

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-00244

7 JUL - 9 1998

COUNSEL: NONE

HEARING DESIRED: NO

Applicant requests that he be promoted to his previously held rank of staff sergeant. Applicant's submission is at Exhibit A.

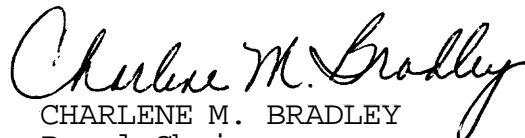
The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit C). The advisory opinion was forwarded to the applicant for review and response (Exhibit D). Applicant's responses to the advisory opinion are at 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 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, Dr. Gerald B. Kauvar, and **Ms.** Patricia D. Vestal considered this application on 30 Jun 98 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 Opinion
- D. SAF/MIBR Ltr Forwarding Advisory Opinion
- E. Applicant's Responses



DEPARTMENT OF THE AIR FORCE  
AIR NATIONAL GUARD



MEMORANDUM FOR AFBCMR

05 MAR 1998

FROM: ANG/MPPU  
3500 Fetchet Avenue  
Andrews AFB, MD 20762-5157

SUBJECT: Application for Correction of Military Records - [REDACTED]

The attached Application for Correction of Military Records submitted by the applicant, a former member of the Missouri Air National Guard, is forwarded for your review and action.

The applicant requests promotion to the previously held rank of SSgt (E-5). The applicant submitted a DD Form 149, dated 22 Jan 98, requesting a change to the applicant's records.

This Headquarters recommends denial of relief. In accordance with ANGI 36-2503 (*Administrative Demotion of Airmen*) a member may be demoted after six unexcused absences. The commander may send the airman a certified memorandum, return receipt requested, stressing the seriousness of the situation and advising that demotion action is being initiated. The demotion is effective as soon as possible after the airman has been given the opportunity to exercise his or her rights as defined in the memorandum advising of the intent to demote. After the ninth unexcused absence, the commander may request the Adjutant General consider the involuntary separation of the member from the ANG of that state with concurrent discharge as a Reserve of the Air Force, IAW AFT 36-3209, (*Separation Procedures for Air National Guard and Air Force Reserve Members*).

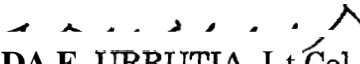
The applicant was notified on 23 Feb 97 by certified letter of the unexcused absences, with return receipt requested of the unexcused absences identified which was signed by the applicant. The second notification letter was sent to the same mailing address indicating additional unexcused absences and the letter of notification of intent to demote. This letter was returned unclaimed as shown in Applicant indicates that it was assumed that the applicant was serving in an inactive status. The letter of notification of unexcused absences should have prompted the applicant that this was not the case. Additionally, the second letter of notification which was unclaimed, indicates that the applicant intentionally refused to claim it since the applicant's mailing address has not changed as of this request for correction of military records. The applicant previously held the grade of

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**SSgt and TSgt and** should **have** been **well aware** of the **applicant's responsibilities** as a NCO in the United **States Air** Force **and** the **Air National Guard**.

Questions should be directed to **MSgt Gowdy**, ANG/MPPUA, DSN 278-7500, or **E-mail: *tgowdy@ang.af.mil***.

FOR THE COMMANDER

  
**NILDA E. URRUTIA**, Lt Col, USAF  
**Chief, Utilization**