

RECORD OF PROCEEDINGS JUL 24 1998
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NO: 98-00334

COUNSEL: None

HEARING DESIRED: Yes

[REDACTED]

Applicant requests that his Statement of Service (SOS) be corrected to reflect continuous service since 24 April 1967. Applicant's submission is at Exhibit E.

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 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 opinion appear to be based on the evidence of record and have not been sufficiently 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 documentation provided with this case was sufficient to give the Board a clear understanding of the issues involved and a personal appearance, with or without legal counsel, would not have materially added to that understanding. Therefore, the request for a hearing is not favorably considered.

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. Martha Maust, Mr. Robert W. Zook, and Mr. Kenneth L. Reinertson considered this application on 23 July 1998 in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.

Martha Maust
Panel Chair

Exhibits:

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



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

MEMORANDUM FOR AFBCMR

2 March 1998

FROM: HQ AFPC/DPPRR
550 C Street West, Suite 11
Randolph AFB TX 78150-3713

SUBJECT Application for Correction of Military Records (DD Form 149),
[REDACTED]

1. REQUESTED ACTION: Applicant requests his Statement of Service (SOS) be corrected to reflect continuous service since 24 April 1967. He says he had no break in service, therefore, the date of April 71 is erroneous.

2. BASIS FOR REQUEST: Applicant attended the US Military Academy in cadet status from 1 Jul 69 to 5 Jun 73 and was commissioned at 2nd Lt in the Air Force on 6 Jun 73. He states he was told this academy time would count for computing retirement pay and eligibility, but not active duty. Applicant claims to have continued his Air Force career with the expectation he **would** be credited with these four years at the Academy upon his retirement from the Air Force.

3. FACTS:

a. Applicant served on active duty in enlisted status in the US Army from 27 Apr 67 to 26 Apr 70. However, he entered the US Military Academy as a cadet on 1 Jul 69. He was commissioned in the Air Force upon graduation on 6 Jun 73.

b. An initial SOS dated 27 Aug 73 was prepared but failed to credit him with his prior enlisted Army service. A corrected SOS was prepared at a later date which did credit him with this time, but this SOS was erroneously dated as 18 Jan 73 instead of 18 Jan 74.

c. The corrected SOS did not credit the applicant with his cadet service at the US Military Academy in accordance with Title 10 USC 971 (b). **This** law prohibits the counting of service performed as a cadet or midshipman for any purpose to an officer. Therefore, the total active federal military service date (TAFMSD) was correctly established as 2 Apr 71.

4. **DISCUSSION** The corrected SOS does have a typographical error in the preparation date. It should **have** shown the year as 74 instead of 73. However, this fact does not make it a forgery or altered document as the applicant claims. He also states it should be discounted because it is not an original. In this day and time, all Air Force master personnel military records are maintained on Microfiche. There are no original paper documents on file in the records. Only a **copy of his SOS could** be provided to the applicant. However, the service dates recorded on this corrected SOS are computed correctly and accurately updated in the Personnel Data System.

5. **RECOMMENDATION**: Recommend denial of applicant's request based upon Title 10 USC 971. **This** law is routinely applied to calculate service dates for all retiring Air Force officers who attended a service academy as a cadet or midshipman.


SHEILA A. TRONSDAL, Major, USAF
Chief, Retirements Branch
Directorate of Personnel Program Mgmt