

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

SEP 23 1998

IN THE MATTER OF:

DOCKET NUMBER: 98-00756

COUNSEL: NONE

HEARING DESIRED: YES

APPLICANT REQUESTS THAT:

He be awarded travel pay entitlement.

APPLICANT CONTENDS THAT:

He was denied travel and lodging pay because he traveled to his duty station 6 days prior to the start date of his orders.

The applicant states he traveled early to expedite his move, house hunting, in-processing, and to start work as soon as possible.

In support of his appeal, the applicant provided a travel voucher and a Extended Active Duty Order.

Applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

On 1 May 1997, the applicant was appointed a second lieutenant, Reserve of the Air Force and voluntarily ordered to extended active duty (EAD) on 29 January 1998.

The applicant made a permanent change of station (PCS) to Andrews AFB arriving 25 January 1998.

The EAD orders stated the effective date of duty was on or after 29 January 1998, and to report not earlier than 0600 on 1 February 1998. The orders specifically stated "Early reporting to the permanent duty station is not authorized."

AIR FORCE EVALUATION:

The Chief, Military Compensation & Legislation Division, Directorate of Personnel Programs, Education and Training, HQ AF/DPPC, reviewed this application and states that the applicant stated he had been in close contact with his future co-workers and was aware of a large backlog of work; and traveled early to expedite his move and start work as soon as possible. This is not sufficient justification for contravening a written order. They called the applicant and asked if he could provide a letter from his supervisor or commander showing he was requested to report early. He provided a letter from the Associate Director, Medical Service. Her letter restated what the applicant said on his application, but did not indicate that anyone in a position of authority had requested him to report before the report date on the orders. In light of the information provided by both 2nd Lt C and Lt Col C, they recommend the board disapprove this request.

A complete copy of the Air Force evaluation is attached at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 27 April 1998, for review and response within 30 days. As of this date, no response has been received by this office.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After reviewing the evidence of record, we are persuaded that the applicant should be entitled to payment for permanent change of station (PCS) travel. In this respect, it appears the applicant may not have been aware that he could not report early to his PCS station. Also, it appears he performed military duties during the period in question. In view of the above findings, we believe that it would be unduly harsh to deny him travel pay. Therefore, we recommend his records be corrected to the extent indicated below.

4. The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issue(s) involved. Therefore, the request for a hearing is not favorably considered.

THE BOARD RECOMMENDS THAT:

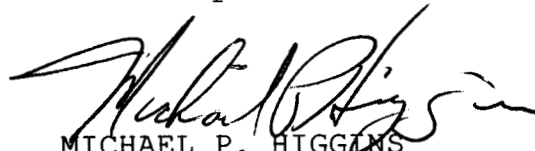
The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that his permanent change of station travel from [REDACTED] MD was performed on or after 29 January 1998; that he reported to his new permanent duty station not earlier than 0600 on 1 February 1998, and, that he be authorized payment for his travel.

The following members of the Board considered this application in Executive Session on 28 July 1998, under the provisions of AFI 36-2603:

Mr. Michael P. Higgins, Panel Chair
Dr. Gerald B. Kauvar, Member
Mr. Allen Beckett, Member

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 10 March 1998, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AF/DPPC, dated 9 April 1998.
- Exhibit D. Letter, SAF/MIBR, dated 27 April 1998.


MICHAEL P. HIGGINS
Panel Chair



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

SEP 23 1998


Office of the Assistant Secretary

AFBCMR 98-00756

MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED] be corrected to show that his permanent change of station travel from [REDACTED] was performed on or after 29 January 1998; that he reported to his new permanent duty station not earlier than 0600 on 1 February 1998, and, that he be authorized payment for his travel.


JOSEPH LINEBERGER
Director
Air Force Review Boards Agency