

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS
IN THE MATTER OF:

DOCKET NUMBER: 98-00794

[REDACTED]
[REDACTED]
COUNSEL: NONE

NOV 13 1998

HEARING DESIRED: NO

Applicant requests that his date of rank for promotion to the Reserve grade of major be changed from 2 May 94 to 1 Jan 93. Applicant's submission is at Exhibit A.

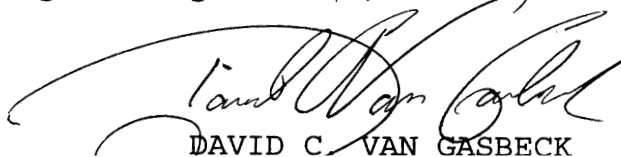
The appropriate Air Force offices evaluated applicant's request and provided advisory opinions to the Board recommending the application be denied (Exhibit C). The advisory opinions were forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by 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 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 Mr. David C. Van Gasbeck, Mr. Richard A. Peterson, and Mr. Jackson A. Hauslein considered this application on 20 Oct 98 in accordance with the provisions of Air Force Instruction 36-2603 and the governing statute, 10 U.S.C. 155: -


DAVID C. VAN GASBECK

Exhibits:

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



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR RESERVE PERSONNEL CENTER

29 APR 1993

MEMORANDUM FOR AFBCMR

FROM: HQ ARPC/DP
6760 E Irvington Pl #1500
Denver CO 80280-I500

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

1. The requested correction cannot be accomplished administratively at this headquarters.

2. The applicant requests his date of rank (DOR) of major be established as 1 January 1993.

3. The following is an analysis of the circumstances surrounding the case:

a. The applicant applied for a correction of record while he was still on active duty due to a deferral of promotion to major. He was granted special selection board (SSB) consideration and was selected for promotion after the applicant was discharged and in the Air Force Reserves. Based on the SSB, the applicant was given a promotion effective date of 1 January 1993, which is well after his discharge from active duty. The applicant's promotion order, included with this application, Special Order [REDACTED] 26 July 1994, clearly states: "The promotion of any officer released from active duty prior to effective date of promotion is without effect."

b. The applicant was eligible and was considered for promotion by the correct Reserve board. He was selected and promoted accordingly.

4. Recommend denial of the applicant's request. He was not on active duty on the effective date of promotion.

5. If the AFBCMR agrees with our recommendation, no further action is necessary.

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6. If the AFBCMR disagrees with our recommendation, the BCMR should consider the following:

a. Even though this was an active duty promotion and the DOR is after discharge from active duty, direct the applicant be given a date of rank and effective date of 1 January 1993. This also would effect any Officer Performance Reports (OPRs) written on the applicant. Direction would also have to be given to change his grade on the OPRs. The applicant should also receive any back pay and allowances.

b. Direct the promotion be effective prior to discharge from active duty. This also would effect any back pay including his Special Separation Bonus, any OPRs written and administrative actions involving his transfer to the Reserve. The Air Force Personnel Center would need to provide input in this instance.

7. If you have any questions, please contact Glory Randolph at DSN 926-6398 or toll free 1-800-525-0102, extension 281, or e-mail grandolph@arpcmail.den.disa.mil.

Linda A. Martin

LINDA A. MARTIN, Colonel, USAF
Director of Personnel Program Management



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