

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NO: 98-01883

COUNSEL: VETERANS CENTER

HEARING DESIRED: NO

DEC 9 1998

Applicant requests that his grade on his discharge papers be changed from Private to Corporal and if his pay record didn't catch up, he would like to be reimbursed. Applicant's submission is at Exhibit A.

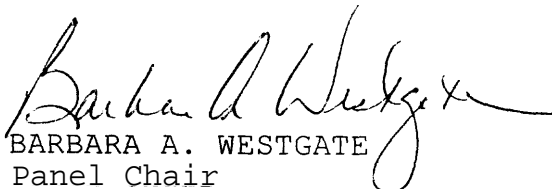
The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit C). The advisory opinion was forwarded to counsel and the applicant for review and response (Exhibit D). As of this date, no response has been received 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 or counsel. 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, Mrs. Barbara A. Westgate, Mr. Kenneth L. Reinertson, and Ms. Ann L. Heidig considered this application on 19 November 1998, in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10 U.S.C. 1552.


BARBARA A. WESTGATE
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

28 JUL 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPPWB
550 C Street West, Ste 09
Randolph AFB TX 78150-4711

SUBJECT: Application for Correction of Military Records [REDACTED]

Requested Action. The applicant is requesting his grade on his discharge papers be changed from Private (E-1) to Corporal (E-3) and if his pay record didn't catch up, he would like to be reimbursed.

Reason for Request. The applicant claims that his grade at the time of discharge was Corporal and it should be corrected to right a wrong.

Facts. The applicant enlisted in the Army US (AC) on 22 Oct 42 in the grade of Private and was Honorably Discharged 8 Nov 45 in the grade of Private. His records reflect he was promoted to Private 1st Class (E-2) 15 May 44, Corporal 1 Jul 44, but was taken back to the grade of Private 16 Nov 44.

Discussion.

a. The applicant subsequently enlisted in the US Naval Reserve 3 May 47 and was discharged 5 Jan 48 in the grade of Seaman 1st Class. He enlisted in the USAF Reserve 23 Aug 49 as a Private and was discharged 31 Jul 51 (active duty from 1 May 51 - 31 Jul 51) for Hardship reasons in the grade of Corporal.

b. The applicant is basing his request for correction of his grade at the time of discharge, 8 Nov 45, on Air Force Reserve Order Number [REDACTED] Air Force Reserve Training Center, dated 21 Dec 50. However, his Service Record, WD AGO Form 24A, Section 9, states on 21 Dec 50 he was awarded a grade adjustment to Corporal effective this date. He was erroneously enlisted in the USAF Reserve as a Private. He ~~was~~ discharged from USNR as Seaman 1st Class (Which determined his enlistment grade in the USAF Reserve 23 Aug 49). The change of his grade from Private to Corporal ~~was~~ not made retroactive to the date of enlistment, 23 Aug 49, but was effective 21 Dec 50, the date of the order announcing the change.

c. The correction of his grade from Private to Corporal 21 Dec 50 while a member of the USAF Reserve, had no relationship at all to the grade he was discharged in on 8 Nov 45 while a member of the Army US (AC). His Service Record, Section 5, cites the authority for changing his grade from Corporal to Private on 16 Nov 44 as SO Number [REDACTED] paragraph 9, [REDACTED] ADG. This order is not contained in any of his records. However, both court-martial order, SO [REDACTED], Hq [REDACTED] Replacement Battalion, 8 May 45, and reassignment order for discharge, SO [REDACTED], [REDACTED]

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Service Command, 5 Nov 45, reflect the applicant's grade as Private. There appears to be little doubt that his grade at time of discharge 8 Nov 45, was Private, not Corporal.

Recommendation. Recommend the applicant's application be time barred. Should the Board choose to decide the case, recommend it be denied based on its merit.



Tony R. Merritt
TONY R. MERRITT
Chief Inquiries/AFBCMR Section
Airman Promotion Branch

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