



DEPARTMENT OF THE AIR FORCE
WASHINGTON, D.C.

FEB 18 1999

Office of the Assistant Secretary
AFBCMR 98-03380

MEMORANDUM FOR THE CHIEF OF STAFF

Under the authority of Section 1552, Title 10, United States Code and AFI 36-2603, and having assured compliance with the provisions of the above regulation, the decision of the Air Force Board for Correction of Military Records is announced, and it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED], be corrected to show that:

a. He requested Family Separation Allowance and Family Separation for Housing to be effective 5 August 1998 and his request was approved by competent authority.

b. The reason his dependents were returned to the Continental United States (COWS) on 5 August 1998, be changed to Return of OCONUS Dependents for Reasons of National Interest, under the provisions of the Joint Federal Travel Regulation (JFTR), Par U5240-C.

DONNA BITTENGER

Chief Examiner
Air Force Board for Correction
of Military Records



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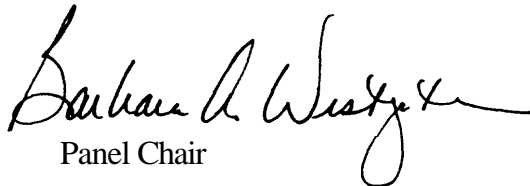
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MEMORANDUM OF CONSIDERATION OF APPLICATION BEFORE THE AFBCMR

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[REDACTED]

Having carefully reviewed this application, we agree with the recommendation of the Air Force and adopt the rationale expressed as the basis for our decision that the applicant has been the victim of either an error or an injustice. Therefore, under the authority delegated in AFI 36-2603, the applicant's records will be corrected as set forth in the accompanying Memorandum for the Chief of Staff signed by the Executive Director or his designee.


Panel Chair

Attachment:
Ltr, HQ USAF/DPRC, dtd 28 Dec 98



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON, DC

28 DEC 1998

MEMORANDUM FOR SAF/MIBR

FROM: AF/DPRC

JE rr of li r [REDACTED]

This Air Staff advisory is submitted in reference to subject application, dated 2 Dec 98. [REDACTED] received a key billet accompanied assignment to [REDACTED] Tactical Air Force, [REDACTED]. His dependents were medically cleared for travel and reassigned to [REDACTED]. Upon arrival at [REDACTED], it was discovered that conditions were not medically suitable for his daughter and the medical clearance was given in error. Because the medical facilities were unable to provide for his daughter's medical needs, [REDACTED] requested his dependents be returned to the CONUS. [REDACTED] requests that his record be changed to allow payment of Family Separation Allowance (FSA) and Family Separation for Housing (FSH) effective the date his dependents returned to the CONUS. This advisory assesses [REDACTED] situation and recommends approval of FSA and FSH.

The Department of Defense Financial Management Regulation (DoDFMR), Volume 7, Part A, Chapter 27 and Title 37, United States Code, Section 427 governs administration of FSA and FSH (formerly FSA-II and FSA-I, respectively). We have provided the provisions and restrictions for each entitlement below.

There are three forms of FSA: FSA-R for PCS members; FSA-T for TDY members who are separated from their dependents for more than 30 days; and FSA-S for members performing duty aboard ship for more than 30 days. FSA-R applies to cases such as [REDACTED] when transportation of dependents at Government expense is authorized and dependents do not live in the vicinity of the member's permanent duty station. Members selected to serve in an overseas area usually have an option to serve accompanied or unaccompanied. A member who elects to serve an unaccompanied tour at a location which has an accompanied tour is not entitled to FSA, unless waived by the Service Secretary. The waiver authority is prospective only and is limited to situations in which it would be inequitable to deny the allowance to the member because of unusual family or operational circumstances. These circumstances are defined in Department of Defense Financial Management Regulation (DoDFMR), Volume 7A, paragraph 270301E as:

- 1) when certified medical reasons involving family members or terrorist activity would make it inappropriate for dependents to accompany the member;
- 2) when ships in overhaul make temporary homeport changes; or
- 3) when married military couples with children are involuntarily separated by military orders.

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FSH is payable when transportation of dependents to the permanent duty station or a place near that station is not authorized at Government expense; dependents do not live at or near the permanent duty station; and adequate Government quarters or housing facilities are not available for assignment to a member and inadequate Government quarters or housing facilities are not assigned. The FSH is the equivalent of single Overseas Housing Allowance (OHA) for the area the member is assigned.

Since [redacted] was authorized dependent travel to the overseas area, his entitlement to FSA and FSH is determined by the reasons for the Early Return of Dependents. [redacted] based upon justifiable medical advice, requested his dependents be returned to the CONUS, IAW JFTR, Par U5240-D, Return of Dependents from OCONUS Due to Personal Situations. The DoDFMR, Vol. 7A states that entitlement to FSA and FSH does not accrue if dependents are returned for the reasons specified in JFTR, Par U5240-D. However, if [redacted] dependents had been denied transportation to the overseas area, even though his assignment is coded as an accompanied tour, he would have been entitled to FSA and FSH.

The [redacted] Services [redacted] es [redacted] nde
not have been [redacted] medical [redacted] e to the OCONUS ea. [redacted] to the [redacted] x
clearance, [redacted] is experiencing both a financial and emotional burd [redacted] We [redacted] nd
approval of [redacted]'s request for [redacted] of FSA on the [redacted] late of the [redacted] :
[redacted] (5 [redacted] 98) and, since no single unaccompanied quarters are [redacted] in the [redacted] t
area, FSH would b [redacted] able effective the same t [redacted] Recommend, th [redacted] reason for [redacted] lenis
return t [redacted] X [redacted] be changed to reflect the r [redacted] laid out in JFTR, Par [redacted] 10 [redacted] Return of
Of [redacted] Dependents for I eas [redacted] of National Interest. Action [redacted] er is IS
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STEVEN L. TINDELL, Colonel, USAF
Chief, Legislation & Compensation Division
Directorate of Personnel Resources

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