

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2010-03496

COUNSEL: NONE

HEARING DESIRED: NO

THE APPLICANT REQUESTS THAT:

His Active Duty Service Commitment (ADSC) date be changed to 1 August 2009 rather than 3 December 2011.

THE APPLICANT CONTENDS THAT:

His Permanent Change of Station (PCS) move meets the requirements of Air Force Instruction (AFI) 36-2110, *Assignments*, para 2.51, making it a low cost/no cost (LCNC) move. Although AFI 36-2107, *Active Duty Service Commitments*, lists a Continental United States (CONUS) to CONUS PCS as an ADSC event, he believes that since his PCS orders should have been coded as a LCNC PCS, his ADSC should be adjusted.

He was not properly counseled about his ADSC, because counseling should have been documented on the AF Form 63, *Officer and Airman Active Duty Service Commitment (ADSC) Acknowledgment Statement*, within seven days of assignment.

In support of his appeal, the applicant provides a copy of a redacted email correspondence.

The applicant's complete submission, with attachment, is at Exhibit A.

STATEMENT OF FACTS:

The relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the letters prepared by the appropriate offices of the Air Force.

THE AIR FORCE EVALUATION:

AFPC/DPAPB recommends denial, stating, in part, a change to the original PCS code is not warranted. The applicant has a fully

funded PCS order made consistent with normal PCS selection criteria. Neither the assignment team nor the ADSC personnel are supporting this request and the member has not articulated a specific reason explaining what benefit the Air Force would receive based on the approval of his request.

Proper protocol was followed in the processing of the applicant's assignment. The intent of the "Low-Cost" PCS program covered under AFI 36-2110, para 2.51., is to fill urgent requirements from local resources when there is no other qualified individuals available. Therefore, it is not standard AF operating procedures to seek low-cost volunteers, unless there are no other available, qualified individuals. In addition, in order to be considered for a low-cost PCS, the member has to specifically ask for consideration and must provide a written statement that he/she will not relocate their household if provided a low-cost PCS. This did not occur in the applicant's case. Therefore, his request requires a change in his PCS status after his reassignment has consummated.

In addition, the documents submitted in support of the applicant clearly indicate that he was aware of the provisions of the Low Cost move program; that he intended to request a low cost move; but, he did not submit an official request. Since the applicant had indicated his desire for a Low Cost move, it must be assumed that the assignment team chose not to pursue that option and that they believed the assignment required someone who would remain in the position for two or more years. In this case, there is nothing in the documentation provided that indicates the applicant contested this choice prior to his arrival at his duty station.

The complete AFPC/DPAPB evaluation is at Exhibit C.

AFPC/DPSIP recommends denial, stating, in part, the applicant should incur the 2-year ADSC for the CONUS to CONUS PCS. Based on the governing instructions, service members who PCS CONUS to CONUS, will incur an ADSC of two years; excluding low-cost and no-cost PCS. In addition, failure to complete the AF Form 63 does not relieve the member of the ADSC.

The complete AFPC/DPSIP evaluation is at Exhibit D.

APPLICANT'S REVIEW OF THE AIR FORCE EVALUATION:

The applicant indicates that at the time he volunteered for the assignment, his email choices clearly reflect his request for LCNC consideration. Thus, his PCS orders were inaccurate. He should have been counseled on his ADSC and the counseling should have been properly documented on an AF Form 63. He does not believe protocol was properly followed in this case and his move clearly met the requirement outlined in DPAPB's letter for a low

cost no cost move. The position he applied for is a one deep position and was vacant for nearly 18 months. He clearly indicated (in writing) when he sent his choices that he would not relocate his dependents or household goods, if selected for PCS.

When he received his assignment orders because they indicated a 48-month ADSC, he assumed it was a misprint and referred to the tour length rather than the ADSC.

The applicant's complete response is at Exhibit F.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Insufficient relevant evidence has been presented to demonstrate the existence of error or injustice. We took notice of the applicant's complete submission, including his rebuttal to the Air Force evaluation in judging the merits of the case; however, the applicant's case has undergone an exhaustive review by the Air Force offices of primary responsibility and we did not find the evidence provided, sufficient to overcome their assessment of the case. Therefore, in the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.

THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of material error or injustice; the application was denied without a personal appearance; and the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered AFBCMR Docket Number BC-2010-03496 in Executive Session on 28 June 2011, under the provisions of AFI 36-2603:

The following documentary evidence pertaining to AFBCMR Docket Number BC-2010-03496 was considered:

- Exhibit A. DD Form 149, dated 6 Sep 10, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.

- Exhibit C. Letter, AFPC/DPAPB, dated 28 Oct 10.
- Exhibit D. Letter, AFPC/DPSIP, dated 2 Dec 10.
- Exhibit E. Letter, SAF/MRBR, dated 14 Jan 11.
- Exhibit F. Letter, Applicant, dated 16 Jan 11.

Panel Chair