

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00377

COUNSEL: NONE

HEARING DESIRED: YES

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APPLICANT REQUESTS THAT:

1. Her husband be posthumously promoted to the rank of chief master sergeant (CMSgt, E-9).
2. His tombstone at Arlington National Cemetery be corrected to include his service in the Army. Currently it only reflects his service in the Air Force.
3. A determination be made if there was a correlation between her husband's premature death after suffering acute myocardial infarction and his participation in Operation Greenhouse.

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APPLICANT CONTENDS THAT:

Her husband died suddenly on 17 July 1963 at the age of 44. His cause of death was deemed acute myocardial infarction.

Prior to his death, he told her that all of his paperwork had been submitted and he would soon to be promoted to the rank of Warrant Officer (WO).

The Air Force discontinued the WO rank and replaced it with CMSgt.

At the time of her husband's death, his promotion and other military honors were still being processed. Unfortunately, as a grieving widow, with children to care for, she did not follow up on all the important documentation and paperwork her husband submitted.

He served in the Army from 1941 through 1945.

In support of her request, the applicant provides copies of correspondence between her and her state senator, WD AGO Forms 53, *Enlisted Record and Report of Separation - Honorable Discharge*; DD Forms 214, *Armed Forces of the United States Report of Transfer or Discharge*; DD Form 1300, *Report of Casualty*; AF Form 7, *Airman Military Record*, special orders, photographs, and other voluminous documents.

Her complete submission, with attachments, is at Exhibit A.

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STATEMENT OF FACTS:

The member's DD Form 7 reflects he served a isolated tour in Kwajalein Island from 9 Jun 1950 to 15 Apr 1951.

The remaining relevant facts pertaining to this application, extracted from the applicant's available military records, are contained in the letter prepared by the appropriate office of the Air Force Office of Primary Responsibility (OPR). Accordingly, there is no need to recite these facts in this Record of Proceedings.

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THE AIR FORCE EVALUATION:

HQ AFPC/DPSOE recommends denial. DPSOE states the applicant's delay regarding a matter now dating back almost 48 years has greatly complicated the ability to determine the merits of her position. DPSOE recommends the request be time barred. Should the Board choose to decide the case, DPSOE recommends it be denied based on lack of official documentation.

Promotions during this timeframe were made at the major command, unless delegated by the major command to the wing, group, or squadron levels. HQ USAF distributed promotion quotas to the major commands based on projected vacancies within each Career Field Subdivision. Promotion boards selected individuals and the quotas received determined the number that could be promoted. Some career fields received more promotions than others based on vacancies and the needs of the Air Force. In accordance with promotion regulations in effect at that time, in order to be eligible for promotion consideration to the pay grade of E-9 the member must have a 9-skill level, 24 months time-in-grade, and the written recommendation from the immediate commander. These were the minimum eligibility requirements to be considered by the promotion board but in no way ensured or guaranteed a promotion. Based on the applicant's date of rank to SMSgt of 1 Mar 1961, he would have been time-in-grade eligible for promotion consideration to CMSgt on 1 Mar 1963.

A review of the former member's record reveals no documentation recommending or selecting him for promotion to the rank of Warrant Officer/CMSgt (E-9). This, coupled with the passage of time, makes it impossible to determine if promotion to a higher grade was appropriate. While the member may have been deserving

of promotion, no official documentation supporting this claim has been provided by the applicant or is present in the member's record.

The complete DPSOE evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF THE AIR FORCE EVALUATION:

On 27 Apr 2012, a copy of the Air Force evaluation was forwarded to the applicant for review and comment within 30 days. As of this date, no response has been received by this office (Exhibit D).

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FINDINGS AND CONCLUSIONS OF THE BOARD:

1. After careful consideration of applicant's request and the evidence of record, we find the application untimely. The applicant did not file within three years after the alleged error or injustice was discovered as required by Title 10, United States Code, Section 1552 and Air Force Instruction 36-2603. The applicant has not shown a sufficient reason for the delay in filing on a matter now dating back almost 48 years, which has greatly complicated the ability to determine the merits of her position. We are also not persuaded the record raises issues of error or injustice which require resolution on the merits. A review of the former member's record reveals no documentation recommending or selecting him for promotion to the rank of Warrant Officer/CMSgt (E-9). This, coupled with the passage of time, makes it impossible to determine if promotion to a higher grade was appropriate. As pointed out by DPSOE, while the member may have been deserving of promotion, no official documentation supporting this claim has been provided by the applicant or is present in the member's record. Thus, we cannot conclude it would be in the interest of justice to excuse the applicant's failure to file in a timely manner.

2. 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.

DECISION OF THE BOARD:

The application was not timely filed and it would not be in the interest of justice to waive the untimeliness. It is the decision of the Board, therefore, to reject the application as untimely.

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The following members of the Board considered this application in Executive Session on 23 Apr 2012, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence was considered in AFBCMR BC-2012-00377:

- Exhibit A. DD Form 149, dated 28 Dec 2011.
- Exhibit C. Letter, HQ AFPC/DPSOE, dated 4 Apr 2012.
- Exhibit D. Letter, SAF/MRBR, dated 27 Apr 2012.

Panel Chair