

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00385  
COUNSEL: NONE  
HEARING DESIRED: YES

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APPLICANT REQUESTS THAT:

His Active Duty Service Commitment (ADSC) be corrected to 6 April 2013.

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APPLICANT CONTENDS THAT:

He signed a contract to extend his ADSC to 28 May 2013 in good faith in accordance with Air Force instructions in the Air Force Graduate Medical Education office. That date minus 60 days, plus 24 days of credit that he had not received from his active duty time after graduating from the United States Air Force Academy (USAFA) and prior to his time in a general surgery internship, equates to an ADSC of 6 April 2013. This contract was reasonable and he relied upon it for career and life decisions. The Air Force has subsequently changed his ADSC to 6 April 2014.

In support of his appeal, the applicant provides a personal statement, training selection letter, original ADSC contract, Statement of Service, assignment orders, notice of ADSC change, and service information.

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

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STATEMENT OF FACTS:

The applicant is currently serving in the Regular Air Force in the grade of lieutenant colonel (O-5). He attended the USAFA from 1990 to 1994 for which he incurred a five-year ADSC. He was sponsored through the Armed Forces Health Professions Scholarship Program (AFHPSP) from 1994 to 1998 for which he incurred an additional four years of ADSC, resulting in a total nine-year ADSC.

The remaining relevant facts, extracted from the applicant's military service records are contained in the advisory opinion from the Air Force office of primary responsibility at Exhibit C.

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AIR FORCE EVALUATION:

AFPC/DPAME recommends denial. DPSIP states the applicant requested their office re-look at his USAFA ADSC to determine if he should have received 60 days credit upon graduating from the USAFA and entering into the AFHPSP in 1998. Their office conducted an audit and found his 60 days from USAFA was not credited. He should have received 60 days credit from graduating from the USAFA and entering into the AFHPSP, resulting in an eight year and ten month ADSC. However, the audit also revealed a 12-month error when calculating his ADSC for civilian sponsored residency training in Dermatology in 2001. The applicant was notified of the audit results on 1 November 2011.

DPAME indicates that every year, their office calculates approximately 700 initial ADSCs. Automating ADSCs calculations has resulted in unacceptable discrepancies in that, automated ADSCs are calculated based on the dates of contracts signed and are not adjusted based on individual circumstances. The ADSC statement signed by the applicant on 18 January 2000, clearly states that an ADSC may be recalculated based on changes in assignment, completion date(s), or an error in the original computation. Their office acknowledges an error occurred in the ADSC computation on 5 January 2001. However, the applicant signed an ADSC statement on 18 January 2000 which contained this incorrect ADSC and did not disclose this error by notifying their office, an action taken by other officers who identify an ADSC discrepancy. The applicant was aware he had an educational ADSC of approximately nine years. His correct ADSC is 6 April 2014.

The complete DPAME evaluation, with attachments, is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Since January 2001, every official piece of paper has reflected the same date of 28 May 2013 as his ADSC. He had no reason to believe this was incorrect. He cannot emphasize the importance of the fact that this date has been the basis of every personal, professional, and family plan he has made since that date. He is honored to have served and continues to serve in the Air Force and has done his due diligence to fulfill his contract with specifics mentioned in the original memorandum. He realizes that his education, funded by the Air Force, incurs an ADSC. However, he has made decisions for over 11 years based on his signed contract date of 2013, a contract created by AFPC/DPAME in January 2001 per Air Force Instruction 36-2107. He entered the contract in good faith and had no reason to doubt its accuracy. He sincerely feels that legally, based on detrimental reliance, and from a justice perspective, that the accurate date of his ADSC should be 6 April 2013.

The applicant's complete rebuttal is at Exhibit E.

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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 an error or an injustice. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinion and recommendation of the Air Force office of primary responsibility and adopt its rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice. Therefore, in the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.
4. 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 issues involved. Therefore, the request for a hearing is not favorably considered.

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THE BOARD DETERMINES THAT:

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

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The following members of the Board considered AFBCMR Docket Number BC-2012-00385 in Executive Session on 9 August 2012, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence was considered in connection with AFBCMR Docket Number BC-2012-00385:

- Exhibit A. DD Form 149, dated 10 Feb 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPAME, dated 19 Mar 12, w/atchs.
- Exhibit D. Letter, SAF/MRBR, dated 4 May 12.
- Exhibit E. Letter, Applicant, not dated.

Panel Chair