

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00453

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His records be corrected to reflect that he was promoted to the grade of airman first class (E-3).

APPLICANT CONTENDS THAT:

He should have been promoted to airman third class (E-2) along with his contemporaries. As a result of the delay of his promotion, he was not promoted to airman second class (E-3). He had no disciplinary problems or reprimands of any kind during his military service, however, other personnel in his outfit received their promotions earlier than he did. He is both humiliated and embarrassed to have only attained the rank of E-2 at the time of his discharge when many others achieved the rank of E-3.

In support of his request, the applicant provides copies of his DD Form 256, *Honorable Discharge Certificate*, and his DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*.

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

STATEMENT OF FACTS:

The applicant began his military service on 13 May 58 and was progressively promoted to the grade of airman second class (E-3), effective and with a date of rank (DOR) of 1 Feb 61.

On 1 Jun 62, the applicant was honorably discharged at the expiration of his term of service and he was credited with 4 years and 19 days of total active service.

AIR FORCE EVALUATION:

AFPC/DPSOE recommends denial, indicating there is no evidence of an error or injustice. Air Force Regulation (AFR) 39-29, *Promotion of Airmen*, dated 31 Mar 54, indicates that all airman basics (AB) will be promoted to airman third class (E-2) upon completion of Basic Military Training (BMT) or after four months of time in grade (TIG). The applicant's records do not contain a promotion order to E-2; however, his Airman Performance report (APR) does indicate a promotion to airman third class (E-2) with a DOR of 1 Aug 58. Without a promotion order or any documentation indicating when the applicant completed BMT, it must be assumed the applicant's DOR for the grade of E-2 is listed correctly on his APR. Additionally, the DOR falls within the four month time period indicated in the AFR and, absent any documentation from the applicant, it must be assumed that he was timely promoted to E-2. Furthermore, while the applicant indicates that he finds it humiliating to have achieved only the rank of E-2, his DD Form 214 clearly reflects he was discharged as an E-3. Therefore, there is no error regarding his rank at the time of his discharge since his contentions regarding earlier promotion to the ranks of E-2 and E-3 are unsupported

A complete copy of the AFPC/DPSOE evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 4 May 12 for review and comment within 30 days (Exhibit D). As of this date, no response has been received by this office.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.
3. Insufficient relevant evidence has been presented to demonstrate the existence of an error or 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 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.

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-2012-00453 in Executive Session on 19 Jul 12, under the provisions of AFI 36-2603:

Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 30 Jan 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSOE, dated 28 Mar 12.
- Exhibit D. Letter, SAF/MRBR, dated 4 May 12.

Chair