

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00471  
COUNSEL: NONE  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

1. His 10-year Active Duty Service Commitment (ADSC) be permanently changed to reflect an 8-year ADSC with an expiration date of 26 Jul 09.
2. His Aviator Continuation Pay (ACP) be adjusted to reflect the two years that he would have been eligible to apply for.

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APPLICANT CONTENDS THAT:

1. His AF Form 1034, *Extended Active Duty Agreement (Officer Training School (OTS) United States Air Force Reserve*, that he signed on 23 Aug 99 states that he would incur an 8-year ADSC upon the award of his aeronautical rating. After the governing instructions changed the ADSC requirement for pilot training, he was caught in the middle of an administrative glitch and was forced to sign the new ADSC document. This error not only made him ineligible for the FY09 ACP, but it also changed his eligibility to retire in 20 years. With the 10-year ADSC, he will be eligible to retire after serving 21 years and 11 months.
2. He is hoping that his request is simple to fix since there were two other cases that preceded his request that are practically identical as both officers attended OTS at the same time he did. With the officer's permission, he provides the previous BCMR case names and numbers. He notes that one pilot from each OTS class was selected to attend Joint Service Unit Pilot Training (JSUPT) with the Navy while the rest attended Air Force training. He was the one pilot from his class that attended JSUP; this is the only thing that separates his case from the other two officers. He was forced to sign a new 10-year ADSC upon completion of the first phase of training. He was "forced" to sign the paperwork because if he did not he would fall under the declination statement on AF Form 63, *Active Duty Service Commitment (ADSC) Acknowledgement Statement*, which would mean that he would not be allowed to change duty stations and/or complete his pilot training, and possibly be separated from the Air Force.

3. He states that AFPC is willing to provide a favorable recommendation on his behalf to have his records corrected once directed by the BCMR.

In support of his request, the applicant provides e-mail communications, and copies of his ADSC and ACP paperwork.

His 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 major (O-4).

On 21 Apr 99, the applicant signed AF Form 56, *Application for Training Leading to a Commission in the United States Air Force*. He also signed the additional comments or explanations section that reflects a statement, "I HAVE BEEN BRIEFED AND UNDERSTAND THAT THE ACTIVE DUTY SERVICE COMMITMENT (ADSC) WILL BE 10 YEARS IF I ENTER UNDERGRADUATE PILOT TRAINING AFTER 01 OCT 99."

The remaining relevant facts pertaining to this application are contained in the letter prepared by the appropriate office of the Air Force, which are at Exhibit D.

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AIR FORCE EVALUATION:

AFPC/DPSIP recommends denial. Although the Air Force policy changed, which reduced the ADSC for some aviators, it did not apply to officers who were commissioned through OTS. The applicant was commissioned through OTS; therefore, this policy change did not apply to him. Additionally, the ADSC in effect for UPT at that time was and still is 10 years.

The complete DPSIP evaluation is at Exhibit C.

AFPC/DPAO recommends denial. They note that the applicant's case is different than the other cases referred to because he was already a United States Navy veteran prior to entering OTS. In this respect, the consequences of ADSCs were not new to him. In 1999, he initially signed a 10-year UPT ADSC during OTS and four months later, he signed one for eight years. In Nov 00, he signed AF Form 63 incurring the 10-year ADSC. The applicant has not provided proof that "shocks the conscience" that shows an injustice occurred. At the time the applicant entered the Air Force he was satisfied with the ACP Agreement and accepted it in good faith. Further, the ACP is a retention tool and not an entitlement.

The complete DPAO evaluation, with attachments, is at Exhibit D.

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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. As of this date, this office has received no response.

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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 error or injustice. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinions and recommendations of the Air Force offices of primary responsibility and adopt their rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice. While we note the applicant's reference to the previous Board decisions on similar cases, as noted by the Air Force OPRs, the circumstances in those cases differ from the applicant. Based on our review of the evidence of record, it appears the applicant's ADSC and ACP entitlements were properly executed. Therefore, we find no basis to recommend granting the relief sought in this application.

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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-2012-00471 in Executive Session on 30 Aug 12, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence for Docket Number BC-2012-00471 was considered:

- Exhibit A. DD Form 149, dated, w/atchs.
- Exhibit B. Letter, AFPC/DPSIP, dated 5 Mar 12.
- Exhibit C. Letter, AFPC/DPAO, dated 24 Apr 12.
- Exhibit D. Letter, SAF/MRBR, dated 4 May 12.

Panel Chair