

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00670
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

1. His three (3) days of excess leave be restored and his debt of \$1,425.68 be removed.
2. As an alternative, he be recalled to active duty.

APPLICANT CONTENDS THAT:

The finance office made an error in calculating his days of leave and he is not sure why it took 9 months after his retirement to notify him of this error.

On 27 Apr 12, he sent a letter stating the only document he had was the AF IMT 988, *Leave Request/Authorization*, for his permissive TDY and terminal leave. His leave request dates were based on his 1 Mar 22 retirement date. The error was clearly made by the finance office and he should not be penalized for their error.

In support of his request, the applicant provides a copy of DFAS-IN Form 0-641, *Statement of Military Pay Account*, a copy of his DD Form 214, *Certificate of Release or Discharge from Active Duty*, and a personal statement.

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

STATEMENT OF FACTS:

On 5 Apr 12, AFPC/DPSIM sent the applicant a letter requesting additional supporting documentation in order for them to substantiate his claim. Specifically they requested he provide a letter from his commander verifying the circumstances that transpired along with a letter from the finance office stating he was miscounseled.

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

AIR FORCE EVALUATION:

AFPC/DPSIM recommends denial stating the governing instructions state that the member must clearly establish that an error or injustice by the Air Force caused the lost leave.

The complete DPSIM evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant is not sure what one day of leave has to do with his request as noted by AFPC/DPSIM. His dispute is that in Oct 11, the Defense Finance and Accounting Service (DFAS) mailed him a bill stating that he owes the Air Force \$1,425.68. The reason he has a debt is because he took more terminal leave than he was authorized. When the finance technician calculated the number of days of leave he failed to add the 2½ days of leave that he earned while in a permissive TDY status. He did not notice this mistake and believes that it was not his responsibility to catch the mistake. The only documentation he has is the AF Forms 988 that was approved by his finance office.

As an alternative, if the Air Force Board for Corrections of Military Records (BCMR) does not approve his request, he requests to be brought back on active duty.

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

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. While the applicant's contentions are duly noted, the applicant has not provided sufficient evidence to establish that he has been a victim of an error or injustice. In this respect, the applicant has not shown that he performed due diligence with regard to reconciling his leave and earning statement and determining his accurate leave balance prior to submitting his leave request. Additionally, he has not provided documentation to substantiate

he was miscounseled or provided a letter from his commander in support of his request. Therefore, 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. 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 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.

The following members of the Board considered AFBCMR Docket Number BC-2012-00670 in Executive Session on 20 Sep 12, under the provisions of AFI 36-2603:

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 17 Feb 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSIM, dated 21 Jun 12.
- Exhibit D. Letter, SAF/MRBR, dated 26 Jul 12.
- Exhibit E. Letter, Applicant, dated 30 Jul 12.

Panel Chair