

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2011-01437
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His date of commission be changed from 27 Oct 51 to 29 Sep 50.

APPLICANT CONTENDS THAT:

He should have been offered a commission at the time he enlisted to attend Aviation Cadet training, based on his prior service in the Navy Reserve, and because he had completed his Bachelor's Degree.

After about two weeks into training he found out that another cadet was offered a commission because he had a degree and was sent to Officer Candidate School (OCS).

Had he been offered a commission at the proper date, he would have been a major in 1958, with higher ranks occurring after his combat tours, resulting in earlier dates of promotions. Based on his combat record and assignments, where he would have been the senior officer, he would have garnered one star and possibly two.

He should have received a Reserve commission no later than the date he reported for pilot training (29 Sep 50) and maybe as far back as 20 Dec 49. He did not question this date back then, because he was taught not to question a higher authority.

In 1959, when he was to be considered for promotion to the grade of major in the primary zone they changed the promotion list service date to improve the chances for World War II officers. He then was not eligible for promotion in the regular system until four years later. As a result, he spent eight and a half years as a captain before he became eligible for promotion to the grade of major in the primary zone.

He was always promoted in the primary zone. When he submitted his retirement papers, he was told that he had been recommended for permanent colonel and had a good chance to receive a star in the next year or two. He was 46 years old and had 29 years of service for retirement. He believes that if he would have been offered a commission when he entered pilot training, he would have been a general officer when he retired.

In support of his request, the applicant provides a personal statement, copies of correspondence extracted from his military

personnel records and various other documents associated with his request.

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

STATEMENT OF FACTS:

On 24 Mar 50, the applicant completed an Application for Aviation Cadet Training (Pilot Training).

On 29 Sep 50, he entered active duty in the Air Force as an Aviation Cadet (AvnC) to attend Pilot Training.

He attended pilot training from Sep 50 - Oct 51.

On 27 Oct 51, upon completion of Pilot Training, he accepted a commission as a second lieutenant in the Air Force Reserves.

On 1 Feb 74, he retired from the Air Force in the grade of Colonel. He served a total of 24 years, 9 months, and 18 days of active military service.

AIR FORCE EVALUATION:

AFPC/DPSIPV recommends denial, stating the request is untimely. DPSIPV states the applicant had ample opportunity during his 22 years on active duty as an officer to question the reason he was not offered an earlier commission date. It has been 38 years since his retirement from the Air Force, the information about his degree and prior service was shown on his AF Form 56, *Application for Aviation Cadet Training*, and DD Form 4, *Enlistment Record - United States Air Force*, and could have been used as supporting documentation. There is no way to determine, if the applicant had received an earlier commission date that he would have been selected for promotion to brigadier general.

The complete DPSIPV evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Although his original request mentioned about the possibility of making general, his main objective was to get his commission date adjusted from the beginning of his time in the Air Force as a commissioned officer.

An Air Force Times article, dated 24 Jun 50, talks about commissions being given at the time of his enlistment in the Air Force.

In addition to the cadet mentioned in his earlier request, he knew a classmate at Central College who was in the Navy Reserve and his enlisted time counted for a year in grade as an officer. His intent was to become a pilot and commissioned officer and the recruiter failed to turn his name in to enter pilot training. He believes he should have been commissioned in the USAF as a second lieutenant on 14 Aug 50, with a DOR of 14 Aug 49.

His request is timely. He was not aware of an appeals board or the possibility to rectify his record until about eight years ago, after speaking with a fellow service member.

At the time of his retirement he was told by his commanding officer that he had been recommended for "permanent colonel," and that guaranteed him 28 years as an officer, and a good chance to receive a star in the next year or two.

The applicant's complete response, with attachment, 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 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 error or injustice. After a thorough review of the evidence of record and the applicant's complete submission, we are not persuaded his date of commission should be changed to qualify for earlier dates of promotions. His contentions are duly noted; however, we do not find his assertions, in and by themselves, sufficiently persuasive. We note the applicant states at the time of his retirement his commanding officer advised him that he had been recommended for promotion to the grade of permanent colonel. According to his retirement order, he was advanced to the grade of colonel. While the applicant believes he should have been given a commission as a second lieutenant effective 14 Aug 50, his Enlistment Record, dated 29 Sep 1950, signed by the applicant clearly states that "No promises were made to the applicant regarding his enlistment other than those shown in Items 6 to 9." In view of the above, we conclude the applicant has failed to sustain his burden that he has been the victim of an error or an injustice. Therefore, in the absence of persuasive evidence that he was denied rights to which he was entitled, 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 Docket Number BC-2011-01437 in Executive Session on 15 Jan 13, under the provisions of AFI 36-2603:

, Panel Chair
, Member
, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 5 Apr 11, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSIPV, dated 22 May 12, w/atchs.
- Exhibit D. Letter, SAF/MRBR, dated 8 Jun 12.
- Exhibit E. Letter, Applicant, dated 25 Jun 12, w/atch.

Panel Chair