

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2011-02361

COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

He be paid for his unused leave at the time of his discharge from the Air Force.

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APPLICANT CONTENDS THAT:

He was not paid for his unused leave at the time of his separation from the Air Force.

The applicant's complete submission is at Exhibit A.

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STATEMENT OF FACTS:

The applicant's military personnel records indicate he enlisted in the Regular Air Force on 22 Nov 68 and served on active duty until he was honorably discharged on 11 Jul 72.

The applicant's DD Form 214, *Certificate of Release or Discharge*, indicates his leave information was not available at time of his separation.

In response to the applicant's instant request, DFAS-IN informed applicant that no monetary benefits are due to him and that according to DODI 1340.21, enclosure 5, para E5.7, all relevant evidence to prove his claim should be presented when a claim is first submitted. In the absence of the compelling circumstances, evidence that is presented at later stages of the administrative process will not be considered.

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

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AIR FORCE EVALUATION:

DFAS-IN recommends denial, indicating that in order for their office to pay for unused leave, copies of the service member's final Leave and Earnings Statement (LES) is required. However, the applicant did not submit the requested supporting documentation and his request should be denied based on lack of evidence.

A complete copy of the DFAS-IN evaluation is at Exhibit c.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 1 Oct 12, for review and comment within 30 days. As of this date, no response has been received by this office (Exhibit D).

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FINDINGS AND CONCLUSIONS OF THE BOARD:

We have carefully reviewed the applicant's submission and the evidence of record and do not find a sufficient basis to excuse the untimely filing of this application. The applicant did not file within three years after the alleged error or injustice was discovered as required by Title 10, United States Code, Section 1552 and Air Force Instruction 36-2603, Air Force Board for Correction of Military Records. The applicant has not shown a plausible reason for the delay in filing, and we are not persuaded the record raises issues of error or injustice which require resolution on the merits. Thus, we conclude it would not be in the interest of justice to excuse the applicant's failure to file in a timely manner.

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DECISION OF THE BOARD:

The application was not timely filed and it would not be in the interest of justice to waive the timeliness requirement. It is the decision of the Board, therefore, to reject the application as untimely.

The following members of the Board considered AFBCMR Docket Number BC-2011-02361 in Executive Session on 17 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 27 Jun 11, w/atc.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, DFAS/IN, undated.
- Exhibit D. Letter, SAF/MRBR, undated.

Panel Chair