



DEPARTMENT OF THE AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS
WASHINGTON DC 20330-1430

AFBCMR 94-01821

JUL 1 1994

MEMORANDUM OF CONSIDERATION OF APPLICATION BEFORE THE AFBCMR

SUBJECT: [REDACTED]

Having carefully reviewed this application, we agree with the recommendation of the Air Staff and adopt the rationale expressed as the basis for our decision that the applicant has been the victim of either an error or an injustice. Therefore, under the authority delegated in AFR 31-3, the applicant's records will be corrected as set forth in the accompanying Memorandum for the Chief of Staff signed by the Executive Director of the Board or his designee.

Joseph J. Henry

Panel Chairman

Attachment:

Ltr, HQ USAF/DPPCC, dtd 31 May 94



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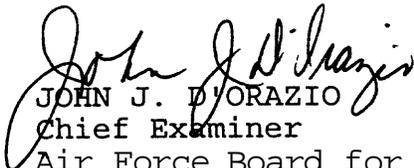
MEMORANDUM FOR THB 'CHIEF OF STAFF

Under the authority of Section 1552, Title 10, United States Code, Air Force Regulation 31-3, and having assured compliance with the provisions of the above regulation, the decision of the Air Force Board for Correction of Military Records is announced, and it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED], be corrected to show that:

a. On 1 Feb 94, the Secretary of the Air Force approved a waiver in accordance with the provisions of paragraph 30321 of the Department of Defense Military Pay and Allowances Entitlement Manual, thereby establishing the member's entitlement to receive Family Separation Allowance (FSA), Type II, during his unaccompanied tour at [REDACTED]

b. He is authorized payment of FSA, Type II, effective 5 Feb 94 through 29 Mar 94, for the period of his tour at [REDACTED] when FSA, Type II was not previously authorized.


JOHN J. D'ORAZIO
Chief Examiner
Air Force Board for Correction
of Military Records



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE



31 MAY 1994

MEMORANDUM FOR AFBCMR

FROM: HQ USAF/DPPCC
1040 Air Force Pentagon
Washington DC 20330-1040

SUBJECT: Correction of Military Records [REDACTED]

1. This Air Staff advisory opinion is submitted in reference to subject application dated 18 Feb 94. [REDACTED] is requesting his records be changed to reflect the Secretarial waiver to pay his Family Separation Allowance, Type II (FSA-II) was signed prior to his assignment to [REDACTED]. His dependents were denied travel due to non-availability of medical facilities.

2. Title 37 USC 427 only authorizes FSA-II to members serving in dependent-restricted areas. A member who elects to serve an unaccompanied tour in lieu of an accompanied tour at a permanent station where the member's dependents are permitted is not entitled to FSA-II unless waived by the Service Secretary. The waiver authority is prospective only and is limited to situations in which it would be inequitable to deny the allowance to the member because of unusual family or operational circumstances. These circumstances are defined in DODFMR, paragraph 30321 as: 1) when certified medical reasons involving family members or terrorist activity would make it inappropriate for dependents to accompany the member; 2) when ships in overhaul make temporary homeport changes; or 3) when married military couples with children are involuntarily separated by military orders.

3. [REDACTED] Secretarial waiver to authorize FSA-II during his unaccompanied tour was signed 30 Mar 94. Because the waiver authority is prospective only, he may not be paid FSA-II for the period between 5 Feb 94 (his reporting date) and 30 Mar 94. Had [REDACTED] been aware of the fact he could apply for a waiver, he would have done so earlier.

4. Accordingly, we recommend approval of [REDACTED] request for payment of FSA-II from the date of arrival (5 Feb 94) at his permanent duty station. We recommend his record be changed to reflect the Secretarial waiver to receive FSA-II was granted and effective 5 Feb 94. Action officer is [REDACTED].

FC-94-01821

Daniel K. Koslov

DANIEL K. KOSLOV, Lt Col, USAF
Chief, Compensation Policy
Military Compensation Division

cc:
SAF/MIBR