

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

JUL 13 1998

IN THE MATTER OF:

DOCKET NUMBER: 97-03642

COUNSEL: NONE

HEARING DESIRED: NO

---

APPLICANT REQUESTS THAT:

His Active Duty Service Commitment (ADSC) of "January 2000" (sic) be changed to 12 September 1998.

---

APPLICANT CONTENDS THAT:

He was improperly counseled during assignment processing; that proper documentation noting his refusal of the ADSC was not initiated by the assignment clerk; and that the ADSC was unjustly changed three weeks prior to his submission of his separation request.

Applicant's complete statement and documentary evidence submitted in support of his application are included as Exhibit A with Attachments 1 through 3.

---

STATEMENT OF FACTS:

In February 1994, applicant volunteered and was selected for C-130 initial qualification training (IQT) and subsequent permanent change of station (PCS) to ██████████ AB, ██████████. He completed the C-130 IQT on 31 October 1994 and incurred a five-year ADSC of 30 October 1999. In August 1997, applicant asked for an extension to his DEROS of January 1998 based on the assumption that this ADSC expired on 12 September 1998 (UPT ADSC). It was not until then that his assignment action officer discovered the missing ADSC for the C-130 IQT and took steps to update the ADSC based on his projected training completion date.

---

AIR FORCE EVALUATION:

HQ AFPC/DPPRS explains the reason for establishment of ADSCs for flying training, provides a summary of the applicant's prior experience with ADSC-incurring events, and recommends that the application be denied. It is indicated that during the applicant's initial relocation briefing, he recalls being informed by the

personnel technician that he would incur a five-year commitment for the IQT. He states in his appeal that he told the clerk he was not willing to incur a commitment beyond his UPT ADSC, which expires in September 1998. However, there is no documentation of his refusal - not an AF Form 63 indicating the declination or any type of memo from applicant expressing this refusal nor his intent to separate in lieu of the assignment. Traditionally if an officer declines to accept the ADSC, he/she declines in writing on the AF Form 63 and is subsequently forced to apply for separation. Even if he had formally declined the ADSC at that time, AF policy prior to Sep 95, did not allow officers with more than 12 months retainability to elect the 7-day option to separate in lieu of training/PCS. Although unpopular and arguably insensitive by subordinating personal desires to Air Force needs, the previous 7-day option policy was equitably applied to a large, broad-based Air Force population and did not represent an unfairness which amounted to an injustice. Consequently, officers were not afforded the opportunity to elect the 7-day option and could have been involuntarily PCSed. Additionally, it is reasonable to believe that applicant's assignment action officer would have discussed this commitment explicitly with him, and in fact noted the training commitment as five years in the assignment trailer remarks of his assignment worksheet. Applicant cannot categorically deny foreknowledge of the ADSC associated with this training.

Applicant states in his appeal that his "intention has been to separate from the Air Force" upon completion of his ADSC from UPT, September 1998. However, when he was selected for a follow-on assignment to ██████████ AFB, applicant was given the opportunity to state his intent by declining the assignment in writing at the time he received his initial relocation briefing. Although he would have still been required to PCS (since he still had an ADSC out to October 1999 for IQT), he would have stated for the record his intent to separate under the 7-day option policy and formally established his date of separation equal to his longest ADSC, 30 Oct 1999 for the C-130 IQT. Although this declaration would not have allowed him to separate any sooner, it would have better supported his assertion of the desire to separate at the earliest possible date. His failure to exercise his 7-day option entitlement constituted his voluntary acceptance of the assignment and the commitment to a 12-month ADSC (now recorded as 15 February 1999).

One final note for the Board to consider. It appears applicant is having difficulty recalling the events which took place during his preparation for relocation to ██████████. In his appeal package, he states, "The clerk never asked me to sign an AF Form 63," and, "My refusal to accept the five-year ADSC was never mentioned again." However, in his most recent hotline e-mail to the AFPC Commander, he very clearly contradicts himself by stating, "I was told after a couple days, it [the ADSC] would not be three years. I refused to sign the form 63 still showing a five-year ADSC." In a file attached to an earlier e-mail to the former AFPC Commander, he stated, "I contend I was not properly counseled .... When

processing me for the assignment, the assignment clerk did not counsel me nor have me in any way acknowledge, that I would incur a five-year commitment as a result of the C-130 training..." This directly conflicts with statements he made in an earlier e-mail to his assignment AO, "I took the only measure afforded me in refusing the five-year commitment, by not signing the form 63.... There is no documentation explaining the commitment policy to me. I told you I knew of the five-year commitment, but only from squadron gossip." So on various occasions, we have differing recollections of that same initial relocation briefing with the personnel technician. Which are we to believe is the truth? Was he or was he not presented an AF Form 63? Did he or did he not have prior knowledge of the five-year ADSC? He also states in his e-mail to the AFPC Commander that he continued to check his ADSC over the next three years, and even visited AFPC to personally look at his records. They submit that an officer this concerned - almost to the point of paranoia - over his ADSC, knew full well he should have had a five-year ADSC in his record - as he was briefed by that assignment clerk and his assignment action officer. Yet he chose not to clarify the matter in hopes that no one would discover it until it was in his opinion "too late" to do anything about it. Clearly his intent in this persistent checking was not to clarify his ADSC, but was to make sure the five-year ADSC was never reflected in the system.

In conclusion, HQ AFPC/DPPRS, states that as they are aware the applicant will receive a copy of this advisory, they would like to direct his attention to block 13 of the DD Form 149 he signed, which states, "I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim." (Exhibit C with Attachments 1 through 8.)

---

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the advisory opinion was made available to applicant for review and comment on 5 June 1998 (Exhibit D). However, to date, he has failed to respond.

---

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice warranting favorable action on the applicant's request for removal of the five-year ADSC he incurred as a result of completion of C-130 IQT.

4. We agree with the Air Force that the applicant was made aware of the five-year C-130 IQT ADSC at the time of his relocation briefing. Therefore, had the only issues been the lack of proper counseling and the signing of the AF Form 63, we may have reached a different result. The pivotal issue in this case, however, is the policy that was in effect at the time that precluded the applicant from exercising the 7-day option to separate rather than incur 'the additional five-year ADSC involuntarily. We recognize that' the Secretary of the Air Force has discretionary authority to promulgate rules and regulations governing the operations of the Air Force. Nonetheless, the change in policy is troublesome because it did not affect all officers on active duty and tended to foster a perception of unfair treatment. The policy change, in our view, also seriously eroded the confidence of the individuals we sorely need to sustain our commitment to an all volunteer force. Recognizing that there were a large number of officers whose only outstanding ADSCs resulted from this policy change, however, we attempted to set a standard for recommending relief. Specifically, we believe that relief should be extended to those officers who expressed a genuine desire to leave the service at the time of selection for the assignment and had a plausible explanation for failing to vigorously pursue all avenues in seeking relief from the policy change in a timely manner. The latter standard would seem to disqualify the applicant. On the other hand, the five-year ADSC was not established in the applicant's records until August, 1997, nearly three years after he had completed the C-130 IQT. Until such time as the ADSC was established in his records, he obviously had no reason to complain. Once the change was made, he immediately appealed to us asking that the five-year ADSC be removed.

5. In view of the foregoing, we believe that the applicant's request should be granted as an exception to policy.

---

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that his five-year Active Duty Service Commitment (ADSC) incurred as a result of his completion of C-130 Initial Qualification Training (IQT) be declared void.

---

The following members of the Board considered this application in Executive Session on 26 June 1998, under the provisions of AFI 36-2603:

Mr. LeRoy T. Baseman, Panel Chairman  
Mr. Benedict A. Kausal IV, Member  
Mr. David W. Mulgrew, Member

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 4 Dec 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPRS, dated 21 May 98, w/atchs.
- Exhibit D. Letter, SAF/MIBR, dated 5 Jun 98.

A handwritten signature in black ink, appearing to read "L T Baseman". The signature is written in a cursive, somewhat stylized font.

**LEROY T. BASEMAN**  
**Panel Chair**



DEPARTMENT OF THE AIR FORCE  
WASHINGTON DC

JUL 13 1998

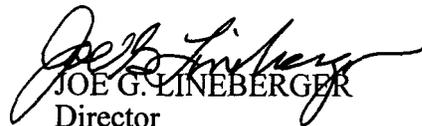
Office of the Assistant Secretary

AFBCMR 97-03642

MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED] be corrected to show that his five-year Active Duty Service Commitment (ADSC) incurred as a result of his completion of C-130 Initial Qualification Training (IQT) be, and hereby is, declared void.

  
JOE G. LINEBERGER

Director  
Air Force Review Boards Agency