

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

JUN 12 1998

IN THE MATTER OF:

DOCKET NO: 98-00321

COUNSEL: NONE

HEARING DESIRED: NO

[REDACTED]

[REDACTED]

Applicant requests that he be paid for 37 days of accrued leave that he did not receive upon separation from the Air Force. Applicant's submission is at Exhibit A.

The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit C). The advisory opinion was forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinion appear to be based on the evidence of record and have not been rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Mr. David C. Van Gasbeck, Mr. Richard A. Peterson, and Mr. Kenneth L. Reinertson considered this application on 9 June 1998 in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552


DAVID C. VAN GASBECK
Panel Chair

Exhibits

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinion
- D. SAF/MIBR Ltr Forwarding Advisory Opinion



DEFENSE FINANCE AND ACCOUNTING SERVICE
DENVER CENTER
6760 E. IRVINGTON PLACE
DENVER, COLORADO 80279

DFAS-DE/FYCC

FEB 19 1998

MEMORANDUM FOR AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS
ATTN: AFBCMR

SUBJECT: Application for Correction of Military Records

We examined the application for correction of military records for [REDACTED]. Since we are unable to take action to administratively provide the relief sought, we are forwarding it for your consideration.

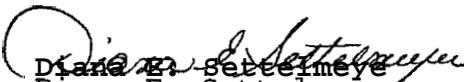
The applicant is requesting that he be paid for 37 days of accrued leave that he did not receive upon separation from the Air Force. A review of General Court Martial Order Number 13 dated November 12, 1997 shows that he received a dishonorable discharge from the Air Force and that he was required to forfeit all pay and allowances. There is no additional documentation to show that this discharge was upgraded to honorable conditions.

The Department of Defense Financial Management Regulation, Volume 7A, paragraph 350101D states that a member who is discharged under other than honorable conditions forfeits all accrued leave to the member's credit at the time of discharge.

An audit of the applicant's military pay account shows that he had a leave balance of 37 days prior to the court martial action.

Based on the evidence before us, we find there has been no error or injustice. Therefore, we recommend denial of the applicant's request.

Our address is DFAS-DE/FYCC, 6760 East Irvington Place,
Denver, Colorado 80279-7100. Our point of contact is Rick Rose
and he may be reached at DSN 926-4869, or (303) 676-4869.


Diana E. Settelmever

Chief, Claims Branch
Directorate of Debt and Claims
Management