

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

SEP 29 1998

IN THE MATTER OF:

DOCKET NUMBER: 98-00432

COUNSEL: NONE

HEARING DESIRED: YES

[REDACTED]

Applicant requests she be given all back benefits and the opportunity to serve as an Aerial Port Officer in the Air Force Reserves. 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). Applicant's response to the advisory opinion is at Exhibit E.

After careful consideration of applicant's request and the available evidence of record, we find the application untimely. Applicant did not file this request within three years after the alleged error or injustice was discovered, or reasonably could have been discovered, as required by 10, U.S.C. 1552 and Air Force Instruction 39-2603. Applicant has not shown a plausible reason for the delay in filing, and we are not persuaded that the record raises issues of error or injustice which require resolution on the merits. Thus, we cannot conclude it would be in the interest of justice to excuse applicant's failure to file in a timely manner.

Accordingly, applicant's request is denied as untimely.

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 W. Mulgrew, Mrs. Margaret A. Zook and Mr. Gary Appleton considered this application on 22 September 1998, in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.


DAVID W. MULGREW

Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinion
- D. AFBCMR Ltr Forwarding Advisory Opinion
- E. Applicant's Response



DEPARTMENT OF THE AIR FORCE
AIR FORCE RESERVE COMMAND



17 APR 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFRC/DPMB
155 2nd St
Robins AFB GA 31098-1635

SUBJECT: Correction of Military Records [REDACTED]

1. I have reviewed [REDACTED]'s request for correction of military records. She claims that an **error or injustice** occurred when she was on active duty and was involuntarily separated because she is an African-American female who told an Air Force colonel about the **waste of \$27,000,000.00**. Because the alleged injustice occurred on active duty at [REDACTED], the case should be reviewed by those agencies that took the administrative action against the member.

2. [REDACTED] stated that she desires to serve as an Aerial Port officer in the Air Force Reserve. She must submit her application for commissioning **IAW AFI 36-2005**. In addition, she should request an age limitation waiver and an exception to policy waiver for a previously held commission. If you have any questions, I can be reached at DSN **497-0283**.


EDDIE D. SWINT, MSgt, USAF
Chief, Career Enhancement Branch
Military Personnel Division

[REDACTED]

9800432



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS

JUN 19 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPRP
550 C Street West, Suite 11
Randolph AFB TX 78150-4713

SUBJECT: li for Corr of Military s [REDACTED]

The applicant, while serving on active duty in the grade of second lieutenant, was determined, by the Secretary of the Air Force Personnel Council, to be not qualified for promotion to the grade of first lieutenant. As a result, the Secretary of the Air Force directed that she be involuntarily discharged under the provisions of AFR 36-12, Involuntary Discharge: 2d Lt not Qualified for Promotion. Applicant was discharge on 23 Sep 85 with an honorable discharge. She had 02 years 08 month and 12 days total active service.

Requested Action. The applicant is requesting all back benefits and the opportunity to serve as an Aerial Port Officer in the Air For Reserves. Applicant claims that she was involuntarily separated after she received her promotion and because she is an Mican-American female that told an Air Force Colonel that we had wasted 27 million dollars. This advisory will address only the discharge processing in the case.

Facts. The commander's recommendation for not qualified for promotion case file is not in applicant's master personnel record. However, Pursuant to AFR 36-89, the Air Force Personnel Board met on 05 Aug 85 to determine if applicant was qualified for promotion to the grade of first lieutenant. The Board review all available records in connection with the proceeding and found that the applicant was not qualified for promotion to the grade of first lieutenant and recommended immediate discharge from all appointments she held in the United States Air Force. On 09 Sep 85, the Secretary of the Air Force determined that the applicant was not qualified for promotion to first lieutenant and directed her immediate discharge from the Air Force. The case has been reviewed for separation processing and there are no errors or irregularities in the separation processing causing an injustice to the applicant. The discharge complies with directives and law in effect at the time of discharge.

98 00432