

JUL 27 1998

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: [REDACTED]  
[REDACTED]

DOCKET NUMBER: 98-00529

COUNSEL: None

HEARING DESIRED: No

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APPLICANT REQUESTS THAT:

He be paid one month's basic pay like other Fiery Vigil evacuees.

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APPLICANT CONTENDS THAT:

As a [REDACTED] evacuee, his advanced pay should be forgiven. Many evacuees who took an advance later received a waiver of one month's basic pay and did not have to repay the advance. This did not happen to him. He was first told his request for a debt waiver was approved; in actuality, he is repaying the debt because he happened to take the advance too late.

Applicant's complete submission is attached at Exhibit A.

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STATEMENT OF FACTS:

Following the eruption of [REDACTED] in June 1991, many Air Force members assigned to [REDACTED] Air Base suffered extensive financial and material losses. Members were offered advanced pay to help defray the cost of reconstituting their homes and belongings. Many members took advantage of the advanced pay with the understanding that they would have to repay the advance as a normal debt.

Subsequently, the Secretary of the Air Force approved a waiver equal to one month's basic pay for accompanied and unaccompanied Air Force members evacuated from [REDACTED] Air Base because of [REDACTED] and from [REDACTED] AFB because of Hurricane [REDACTED]. This meant that those members taking the advanced pay did not have to repay one month's pay. To qualify for the waiver, members had to receive the advance pay within a specific time frame.

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DFAS-DE/FYCC EVALUATION:

The Chief, Claims Branch, DFAS-DE/FYCC, evaluated this application and confirms that the applicant was stationed at [REDACTED] AFB from 23 April 1990 through 29 November 1991. The evacuation from [REDACTED] A B occurred on 10 June 1991. To qualify for the waiver the applicant had to have received his advance between 1 June and 31 December 1991; however, he received his advance on 4 February 1992. They recommend denial.

A complete copy of the evaluation is at Exhibit B.

[The Chief, Claims Branch, DFAS-DE/FYCC, informally advised the AFBCMR Staff on 1 July 1998 that applicant's base pay during the relevant period was \$2,643.00.]

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APPLICANT'S REVIEW OF DFAS-DE/FYCC EVALUATION:

Applicant reviewed the evaluation and provided a response, indicating that he has repeatedly tried to rectify this problem through DFAS. He should not be penalized because he was able to "hold out" for an additional 35 days before taking the advance.

Applicant's rebuttal is at exhibit D.

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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 probably error or injustice. We are aware that many members assigned to [REDACTED] Air Base during the [REDACTED] devastation received advanced pay and that the Secretary of the Air Force subsequently waived the repayment of one month's basic pay. The applicant suffered the same hardships as other [REDACTED] evacuees and this Board has granted relief to other applicants who applied for an advance outside the allowable window. Therefore, based on equity, an injustice has occurred and we are persuaded to grant one month's basic pay to this applicant.

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THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that on 30 June 1991,

he applied for and was authorized one month's advanced pay in the amount of \$2,643.00 by competent authority.

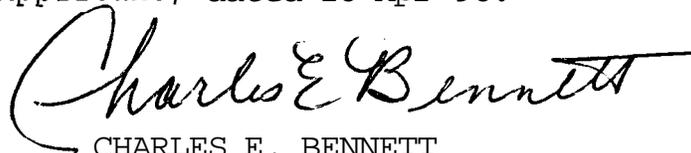
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The following members of the Board considered this application in Executive Session on 17 July 1998 under the provisions of AFI 36-2603:

Mr. Charles E. Bennett, Panel Chair  
Mr. Douglas J. Heady, Member  
Mr. Benedict A. Kausal IV, Member

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

- Exhibit A. DD Form 149, dated 27 Jan 98, w/atchs.
- Exhibit B. Letter, DFAS-DE/FYCC, dated 6 Apr 98.
- Exhibit C. Letter, AFBCMR, dated 20 Apr 98.
- Exhibit D. Letter, Applicant, dated 28 Apr 98.

  
CHARLES E. BENNETT  
Panel Chair



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

DFAS-DE/FYCC

APR 6 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 request is in connection with the [REDACTED] volcano [REDACTED] that erupted 10 June 1991. The applicant is requesting waiver of the balance of an advance pay and a refund of the collected portion of the advance for a total of \$2,254. His waiver was denied because it did not meet the criteria for the waiver.

The applicant was stationed at [REDACTED] Air Base [REDACTED] during the period April 23, 1990, through November 29, 1991. The applicant was sent temporary duty (TDY), safe haven, June 30, through November 29, 1991. The member received the advance on February 4, 1992. The application has not filed a timely request.

The criteria used in determining eligibility for waiver of the advance pay is the member had to have been stationed in the area during the June time frame, and he had to have received an advance between June 1 and December 31, 1991.

We recommend denial of the application. Should the Board choose to approve the request, the applicant's records can be corrected to show that the applicant received the advance pay prior to December 31, 1991.

Our address is DFAS-DE/FYCC, 6760 East Irvington Place, Denver, Colorado 80279-7100. Our point of contact is [REDACTED] and she may be reached at DSN 926-4868, or commercial (303) 676-4868.

  
Diana B. Settelmeier

Chief, Claims Branch  
Directorate of Debt and Claims  
Management



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

JUL 27 1998

Office of the Assistant Secretary

AFBCMR 98-00529

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, on 30 June 1991, he applied for and was authorized one month's advanced pay in the amount of \$2,643.00 by competent authority.

  
JOE G. LINEBERGER  
Director  
Air Force Review Boards Agency