

JUL 10 1998

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-00642

COUNSEL: NONE

HEARING DESIRED:

APPLICANT REQUESTS THAT:

His Undergraduate Pilot Training (UPT) Active Duty Service Commitment (ADSC) be amended from 15 November 1998 to 15 November 1997.

APPLICANT CONTENDS THAT:

His eight-year ADSC doesn't match the seven-year ADSC given to some other graduates of the same UPT course.

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

STATEMENT OF FACTS:

On 20 January 1989, applicant signed an ADSC Statement of Understanding stating he had read AFR 36-51 and understood and agreed to all ADSCs associated with his selection to UPT.

AIR FORCE EVALUATION:

HQ AFPC/DPPRS recommends that the application be denied. It is indicated that at the acceptance of UPT, applicant was aware of his eight-year ADSC and fully prepared to incur the commitment. The basis of his argument is that other officers in his class did not incur an ADSC as long as his ADSC. Between 15 June 1987 and 15 June 1988, the Air Force increased the ADSC for UPT from seven to eight years. Officers already committed to attend UPT via cadet contracts were grandfathered and given the lesser ADSC of seven years. These grandfathered officers were USAF Academy cadets and AFROTC cadets accepted as pilot candidates. It is not unexpected that some of these cadets were in training with applicant.

The officers who incurred a seven-year ADSC had previously been contracted by the Air Force to attend UPT. The Air Force was fulfilling its commitment to their contracts by maintaining the

seven-year ADSC. Applicant was not contracted to attend UPT until well after the 15 June 1988 change to the eight-year ADSC (Exhibit C with Attachments 1 and 2).

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force advisory opinion was made available to the applicant for review and comment on 18 May 1998; 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. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinion and recommendation of the Air Force office of primary responsibility and adopt their rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice. Therefore, in the absence of evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application.
-

THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

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 Chair
Mr. Benedict A. Kausal IV, Member
Mr. David W. Mulgrew, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 12 Feb 98, w/atch.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPRS, dated 12 May 98, w/atchs.
- Exhibit D. Letter, SAF/MIBR, dated 18 May 98.



LEROY T. BASEMAN
Panel Chair



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

12 MAY 1998

MEMORANDUM FOR AFBCMR

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

SUBJECT: Application for Correction of Military Records - [REDACTED]

Requested Action: [REDACTED] requests an active duty service commitment (ADSC) for advance flying training be reduced to 15 Nov 97 vice 15 Nov 98.

Basis for Request: [REDACTED] requests the change in the ADSC due to other members of the same class receiving only a seven year ADSC for the same training. Because of the ADSC he is not eligible for the Aviation Continuation Pay (ACP). If the ADSC were curtailed he would be eligible for ACP.

FACTS:

a. The ADSC program assures a reasonable return to the Air Force for the costs incurred in training. ADSCs are routinely incurred for such commonplace events as permanent change of station (PCS), training, education, and promotion. This was clearly stated in AFR 36-51 Active Duty Service Commitment Table 4 Rule 6, dated 28 Feb 92 (Atch 1). This reference also clearly delineates the ADSC to be incurred for each type of event. If any Air Force member is unsure of the ADSC he/she will incur, the AFR provided a ready resource of clear, unambiguous, and authoritative information.

b. On 20 Jan 89 [REDACTED] signed an ADSC Statement of Understanding stating he had read AFR 36-51 and understood and agreed to all ADSCs associated with his selection to Undergraduate Pilot Training (UPT) (Atch 2).

DISCUSSION:

a. At the acceptance of UPT [REDACTED] was aware of his 8 year ADSC and fully prepared to incur the commitment. The basis of his argument is that other officers in his class did not incur an ADSC as long as his ADSC. Between 15 Jun 87 and 15 Jun 88 the Air Force increased the ADSC for UPT from 7 to 8 years. Officers already committed to attend UPT via cadet contracts were grandfathered and given the lesser ADSC of 7 years. These grandfathered officers were United States Air Force Academy cadets and AF ROTC cadets

98 00642

accepted as pilot candidates. It is not unexpected that some of these cadets were in training with [REDACTED]

b. The officers who incurred a 7 year ADSC had previously been contracted by the Air Force to attend UPT. The Air Force was fulfilling our commitment to their contracts by maintaining the 7 year ADSC. [REDACTED] was not contracted to attend UPT until well after the 15 Jun 88 change to the 8 year ADSC.

RECOMMENDATION: Denial

a. The documentation clearly shows [REDACTED] was aware of the 8 year ADSC he was going to incur upon acceptance of UPT. The fact that other students incurred a different ADSC for the same training does not mitigate his acceptance of that ADSC. All officers who attended the training were expected to fulfill their contract with the USAF. Specifically, in [REDACTED] case that commitment included an 8 year ADSC.

b. However, if the decision is to grant the relief sought, the record should be corrected to show [REDACTED] with an ADSC of 15 Nov 97 for UPT instead of 15 Nov 98. HQ AFPC/DPPRS can correct the personnel data system (PDS) [REDACTED] application is approved.

c. If you have any questions concerning the ADSC, POC is TSgt Pullen, HQ AFPC/DPPRP, DSN 487-5622

RE F. SCHWARTZ, Cap USAF
ADSC BCMR Advisor

Attachments:

1. AFR 36-2107 Table 1.4, Rule 6 (6 Jul 94)
2. ADSC Statement of Understanding (20 Jan 89)

9800642

3. Students admitted to USUHS after 31 December **1991** incur a Reserve Service obligation upon completion of, or release from, the active-duty service obligation. A member who served on active-duty for less than 10 years serves in the Read Reserve for a period as specified by DoD Directives.

4. A participant incurs an active duty obligation (ADO) of 8 years for any period of program participation. However, the individual serves in the Indefinite Ready Reserve (IRR) any portion of the ADO that exceeds a **minimum** of 2 years or the actual number of years of program participation (**112** year for each 1/2 year sponsorship). **EXCEPTION:** If the Secretary of the Air Force and the individual participant may **mutually** agree that the said portion, or a part thereof, will be served on active duty. The individual then serves this **portion** of the 8-year **ADO** at the completion of **any** additional **ADO** incurred for graduate professional education.; Also subject to mutual agreement, a participant may fulfill the **IRR** service period in the Selected Reserve.

Table 1.4. Undergrad						
R	A	B	C	D	E	F
U			then the	ADSCD-		and
L		and officer enters	ADSC is	RSN-FOR		supporting
E	If the UFT is	training	(see note 1)	code is	and is effective	document is
1	UNT	on or after 1 Jan 1970, but before 1 Oct 1990	5 years	04	on the date of award of original aero- nautical rating	the aero- nautical order.
2	UNT (see notes 2 and 3)	on or after 1 Oct 1990	6 years			
3	UPT or UPT-H (see note 2 and 4)	on or after 1 Jan 1970, but before 15 Jun 1979	5 years			
4		on or after 15 Jun 1979, but before 15 Jun 1987	6 years			
5		on or after 15 Jun 1987, but before 15 Jun 1988	7 years			
6		on or after 15 Jun 1988	8 years			

NOTES:

1. The **DOS** automatically adjusts to qual the ADSCD upon update of the aeronautical rating. Take action according to table 1.8, rules 11, 12, and 13 for individuals who withdraw or are eliminated from **UFT**.
2. If an incorrect **UNT** or **UPT** ADSC should be updated in the personnel data system (PDS), submit a request for correction using **PTICOR** (see **AFMAN 36-2622**)
3. **EXCEPTIONS:**
 - 3.1. Individuals graduating from military service academies and **AFROTC** programs on 31 December 1991 or earlier incur a 5-year ADSC.
 - 3.2. Individuals graduating from military service academies and **AFROTC** programs on 1 January 1992 or later incur a 6-year ADSC.
 - 3.3. All **OTS** graduates who begin **UNT** on or after 1 October 1990 incur a 6-year ADSC.
 - 3.4. **UPT** eliminees and nonrated officers (regardless of source or date of commission) who begin **UNT** on or after 1 October 1990 incur a 6-year ADSC.
4. **Air Force** **UPT-H** graduates of Army helicopter training who later attend fixed-wing conversion training incur a 5-year ADSC for the fixed-wing training.

ENTITLEMENT: ACIF
IS NOT AFFECTED

DATE: 21 JUN 85

OFFICE SYMBOL:

DATE: 08 JUN 85

OFDA:

TERMINATION DATE: 09 MAY 87

REQUEST DATE: 13 MAY 86

UNIT OF THE AIR FORCE
TRAINING WING (ATC)
RCA 95655-5000

LOCAL ORDER NUMBER: 1423

REPLY TO ATTENTION OF: 92 CSG/DPWPC

SUBJECT: ADSC Statement of Understanding

TO: HQ AFMPC/DPWPC4

I have read AFR 36-51, and I understand and agree to serve all active duty service commitments (ADSC) associated with my selection for undergraduate flying training (UFT). I am aware that I will receive a permanent change of station (PCS) ADSC in conjunction with my reassignment to a UFT base to be served concurrently with any previous applicable ADSC, and that I will receive the appropriate UFT commitment on award of my aeronautical rating. Also, I fully understand and agree to serve the appropriate ADSC if I am eliminated or withdrawn from UFT. Finally, I understand that at the time of award of my UFT ADSC (whether resulting from award of the aeronautical rating, elimination, or withdrawal from training), my date of separation (DOS) will be adjusted to match my UFT-associated ADSC if my DOS is less than the applicable ADSC.

[Redacted Signature] (signature and date)
20 JAN 89

[Redacted Name] (last name, social security number (SSN))
(PRINTED OR TYPED)

Witnessed by CEKO Official:
[Redacted Signature] (signature and date)

92 CSG/DPWPC/DPWPC4

15	Have been assigned to flying training (UFT)?	✓
16	Have been assigned to PCS ADSC?	✓
17	Have been assigned to UFT ADSC?	✓
18	Have been assigned to PCS ADSC and UFT ADSC?	✓
19	Have been assigned to UFT ADSC and UFT ADSC?	✓
20	Have been assigned to PCS ADSC and UFT ADSC?	✓
21	Have been assigned to PCS ADSC, UFT ADSC, and UFT ADSC?	✓
22	Have been assigned to PCS ADSC, UFT ADSC, and UFT ADSC?	✓
23	Have been assigned to PCS ADSC, UFT ADSC, and UFT ADSC?	✓
24	Have been assigned to PCS ADSC, UFT ADSC, and UFT ADSC?	✓

1. Verify that I am a UFT pilot.
2. Verify that I am a UFT pilot.
3. Verify that I am a UFT pilot.
4. Verify that I am a UFT pilot.
5. Verify that I am a UFT pilot.

NOTE: NAME TO BE PRINTED IN BLOCK LETTERS.
NOTE: SIGNATURE TO BE PRINTED IN BLOCK LETTERS.
NOTE: SIGNATURE TO BE PRINTED IN BLOCK LETTERS.

92 CSG/DPWPC/DPWPC4

ATCH 2

2790086