



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

JUL - 11998

Office of the Assistant Secretary

AFBCMR 98-00763

MEMORANDUM FOR THE CHIEF OF STAFF

Under the authority of Section 1552, Title 10, United States Code, *Air Force Instruction 36-2603*, and having assured compliance with the provisions of the above regulation, the decision of the Air Force Board for Correction of Military Records is announced, and it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED] [REDACTED] e corrected to show that he requested, and a competent authority approved, a Secretarial waiver authorizing payment of Family Separation Allowance, Type II (FSA-II) from the date of separation from his dependents to the dependents departure from [REDACTED] Air Base [REDACTED] effective 25 August 1995 through 10 May 1997.

DONNA PITTENGER
Chief Examiner
Air Force Board for Correction
of Military Records



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MEMORANDUM OF CONSIDERATION OF APPLICATION BEFORE THE AFBCMR

I. [REDACTED]

Having carefully reviewed this application, we agree with the recommendation of the Air Force Evaluation and adopt the rationale expressed as the basis for our decision that the applicant has been the victim of either an error or an injustice. Therefore, under the authority delegated in AFI 36-2603, the applicant's records will be corrected as set forth in the accompanying Memorandum for the Chief of Staff signed by the Executive Director of the Board or his designee.

Panel Chair

Attachment:
Ltr, HQ USAF/DPCC, dtd 17 Apr 98



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON, DC

01Z APR 1998

MEMORANDUM FOR AFBCMR

FROM: HQ USAF/DPPC
1040 Air Force Pentagon
Washington DC 20330-1040

SUBJECT: Correction of Military Records- [REDACTED]

This Air Staff advisory is submitted in reference to subject application, dated 10 Mar 98. [REDACTED] was denied a join-spouse assignment to accompany his military spouse and dependents on their assignment to [REDACTED] AB, [REDACTED].

Title 37, U.S.C., Section 427 only authorizes FSA for members serving in dependent-restricted areas. A member who elects to serve an unaccompanied tour in lieu of an accompanied tour at a permanent station where the member's dependents are permitted is not entitled to FSA unless waived by the Service Secretary. The waiver authority is prospective only and is limited to situations in which it would be inequitable to deny the allowance to the member because of unusual family or operational circumstances. These circumstances are defined in Department of Defense Financial Management Regulation (DoDFMR), Volume 7A, paragraph 270301E as:

- 1) when certified medical reasons involving family members or terrorist activity would make it inappropriate for dependents to accompany the member;
- 2) when ships in overhaul make temporary homeport changes; or
- 3) when married military couples with children are involuntarily separated by military orders.

[REDACTED] met the conditions in item (3) above. He was verbally denied the FSA entitlement since the dependents were with his spouse in the overseas area. Due to this information he did not believe he was entitled to FSA and did not file for a waiver. Upon further research, [REDACTED] found he would have been eligible for the entitlement if he had filed for a waiver, so he submitted the appropriate paperwork. Waiver approvals are prospective only and could not be approved retroactively.

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We recommend approval of [REDACTED] request for payment of FSA from the date of separation from his dependents (25 Aug 95) to the dependents departure from the overseas area (10 May 97). We recommend his record be changed to reflect that he had an approved Secretarial waiver to receive FSA effective 25 Aug 95 through 10 May 97. Action officer is TSgt Hogue, DSN 227-0682.


STEVEN L. TINDELL, Col, USAF
Chief, Military Compensation & Legislation
Division
Directorate of Personnel Programs,
Education and Training