

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

JAN 04 1999

IN THE MATTER OF:

DOCKET NUMBER: 98-01125

COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His Active Duty Service Commitment (ADSC) of five years for crossflow from the C-141 be changed to three years.

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APPLICANT CONTENDS THAT:

He was told and was given supporting documentation that his commitment for KC-10 training would be three years.

He states, in part, that prior to his accepting a crossflow assignment, he was informed by crossflow program administrators at HQ AMC/DPOA and formal training personnel that the ADSC for crossflow from the C-141 to the KC-10 was three years; that AMC/DP referred him to Air Force Instruction (AFI) 36-2107 which indicated a three-year ADSC for cross training from airlift to airlift Major Weapon Systems (MWS); that he was assured the AFI was being changed to read "air mobility to air mobility" MWS (to include the KC-10s and KC-135s).

Applicant further states that his point of contact during these conversations was a Captain "A" (HQ AFPC/DPOA). Based on this information, he accepted the assignment for crossflow to the KC-10. However, during his processing through the Military Personnel Flight (MPF) at Travis AFB, he was not briefed that he would incur a five-year ADSC for crossflow. At that time, he was presented with a training computer "rip" which listed the dates of training and the class number. Combined with the information he had received from his MAJCOM resource advisors and the information he received from correspondence between HQ AMC/DPP and HQ AMC/DOT, he believed he still had a three-year ADSC. Finally, HQ AFPC recently implemented formal changes to the crossflow program requiring a three-year ADSC rather than five years. This action corrects the erroneous five-year ADSC. For this reason, he requests his records be corrected to reflect a three-year commitment as opposed to five years.

Applicant's statement and documentary evidence submitted in support of his application are included as Exhibit A with Attachments 1 through 5.

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STATEMENT OF FACTS:

Applicant, a major, completed Initial Qualification Training (IQT) in the KC-10 on 25 December 1996 and incurred a five-year ADSC of 24 December 2001.

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AIR FORCE EVALUATION:

HQ AFPC/DPPRS recommends that the application be denied. That office sets forth the reason for the establishment of ADSCs and advises that Air Force policy is that officers receive these ADSCs voluntarily. If they are unwilling to accept the ADSC, they are to elect separation from the Air Force in lieu of undergoing the training. Officers are normally advised of these ADSCs in writing and their acknowledgment of their understanding and acceptance of the ADSC is normally documented in writing on AF Form 63 (ADSC Counseling Statement). Occasionally, this procedure is not followed in exact accordance with delineated procedures. In those cases, the Air Force still awards the ADSC as the vast majority have been incurred with the officer's full understanding and willing acceptance. The onus is on the officer to prove that he unwittingly incurred an ADSC for training he would not have accepted had he been aware of the ADSC prior to entering the training. While documentation of the officer's awareness of the ADSC provides positive proof the counseling was accomplished in a timely manner and the officer voluntarily accepted the ADSC, it is not the documentation of counseling that establishes the ADSC, but rather the completion of the ADSC-incurring event which determines and incurs the ADSC. The applicable Air Force instruction recognizes that documentation is not always accomplished and yet still directs the update of the ADSC. Clearly, the intent of the Air Force is that officers make informed decisions regarding the incurring of ADSCs and the critical issue is whether adequate information is provided the officer before he or she enters into an ADSC-incurring event, not whether the officer signed any particular document to memorialize that awareness.

HQ AFPC/DPPRS points out the applicant's extensive experience with ADSC-incurring events and the elaborate processing procedures he had to undergo in order to accept the flying training assignment. They note that the applicant does not state he would have declined training had he "known" the associated ADSC was five-years vice three years. Therefore, it is believed that when he accepted his assignment into the Phoenix Hawk program, he clearly indicated his commitment towards a career through participation in this leadership development program. They also note that since that training, applicant has accepted and entered training to become an aircraft commander in the KC-10 - further demonstrating his intent to remain in the aircraft system. In conclusion, it is believed that the awareness of the association of ADSCs with flying training is so commonplace that, particularly given applicant's previous

experience of receiving ADSCs for flying training, he volunteered for and accepted the training fully aware that he would receive an ADSC. The presumption of applicant's foreknowledge of the ADSC and his completion of the training, in their view, constitute his tacit acceptance of the ADSC and overcome the absence of formal documentation of his acceptance of the ADSC. Finally, they detect no significant harm which the applicant has experienced or will experience as a result of serving his legitimate commitment. Moreover, given the Air Force's critical need for experienced pilots, it is of vital importance to the Air Force mission to retain his services for the full tenure of his ADSC (Exhibit C with Attachments 1 through 8).

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Applicant states, in part, that the facts in his case are not in dispute. However, the emotionally-charged arguments from HQ AFPC in the Discussion Section are in dispute. In his opinion, it is improper for the Board to consider this portion of the recommendation. This case should limit itself to the facts, not the conjecture of a staff officer at HQ AFPC who neglected to verify facts or contact him regarding this application.

Applicant goes on to take exception to a number of assertions made by the advisory writer and continues to maintain that he was told, and was given supporting documentation, that his ADSC for KC-10 training would be three years. He concedes, however, that even if he had known the ADSC was five years, he would not have declined the training (Exhibit E).

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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 probable error or injustice warranting favorable action on the applicant's request. In recommending denial of the application, HQ AFPC/DPPRS notes, among other things, that the applicant asserts that the MPF at Travis AFB did not inform him that he would incur a five-year ADSC for the KC-10 IQT. Yet he admits he received written notification of the ADSC when he states he was presented with a computer training Report on Individual Person (RIP) which listed the five-year service commitment which he would have been required to initial prior to entering the training. It is also noted that shortly after his graduation from the IQT, he received an ADSC establishment/change RIP dated January 6, 1997. This RIP clearly states the ADSC he incurred for KC-10 IQT as five

years and supports the fact that he again received written notification that by virtue of his completion of KC-10 IQT, he had in fact incurred a five-year commitment - just as he was notified prior to the training on the training allocation notification RIP. Lastly, HQ AFPC/DPPRS notes that the applicant does not state he would have declined training had he "known" the associated ADSC was five years vice three years.

4. The applicant, on the other hand, states that prior to his accepting a crossflow assignment, he was informed by the crossflow administrators at HQ AMC/DPOA and formal training personnel that the ADSC was three years. He knew of the five-year ADSC, but was told that the AFI was to be changed to reflect "air mobility to air mobility" and he would incur a three-year ADSC. When he received the training allocation RIP [reflecting the 60-month ADSC], he began making telephone calls to determine if the five-year or three-year commitment would be incurred. It was at this point, he learned that the tables had not been changed and that this crossflow program only incurred a three-year commitment. On the training RIP, he made a change from 60 months to 36 months and wrote next to the change "Per conversatio with Capt "A"/HQ AMC DPOA." Later that day, Capt "A" faxed the AMC message DTG 241630ZNOV95 stating that "Officers incur a 3-year active duty service commitment per AFI 36-2017" (Attachment 5 to Exhibit A). Fully believing that his commitment would reflect the 36 months and not the 60 months, he returned the signed RIP to Scott AFB MPF.

5. Having considered all of the circumstances of this case, we find the applicant's assertions sufficiently compelling so as to conclude that he was induced into transitioning into the KC-10 and incurring the associated five-year IQT ADSC under the assumption that he would incur a three-year ADSC. Since he admits, however, that even if he had known the KC-10 IQT ADSC was five years, he would not have declined the training, an argument could be made that the error on the part of the Air Force was nothing more than harmless error. And, as a consequence, the error should not serve to invalidate an otherwise valid ADSC. On the other hand, the applicant ought to be able to rely on information received from an official source. Since the evidence suggests that he competed and incurred the ADSC based on the assumption that it was three years, equity dictates that he receive nothing more, nothing less.

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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 he incurred a three-year Active Duty Service Commitment (ADSC) as a result of his completion of KC-10 Initial Qualification Training (IQT).

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The following members of the Board considered this application in Executive Session on 30 October 1998, under the provisions of AFI 36-2603:

Mr. Benedict A. Kausal IV, Panel Chair  
Mr. Charles E. Bennett, Member  
Mr. Henry Romo Jr., Member

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

Exhibit A. DD Form 149, dated 20 Apr 98, w/atchs.  
Exhibit B. Applicant's Microfiche Master Personnel Records.  
Exhibit C. Letter, AFPC/DPPRS, dated 11 Jun 98, w/atchs.  
Exhibit D. Letter, SAF/MIBR, dated 29 Jun 98.  
Exhibit E. Letter, Applicant, dated 22 Jul 98, w/atchs.

  
BENEDICT A. KAUSAL IV  
Panel Chair



DEPARTMENT OF THE AIR FORCE  
WASHINGTON DC

JAN 04 1999

Office of the Assistant Secretary

AFBCMR 98-01125

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 he incurred a three-year Active **Duty Service Commitment (ADSC)** as a result of his completion of KC-10 Initial Qualification Training (IQT).

  
JOE G. LINEBERGER  
Director  
Air Force Review Boards Agency