

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 94-02679

[REDACTED]

COUNSEL: None

JAN 31 1995

128.13

[REDACTED]

HEARING DESIRED: No

APPLICANT REQUESTS THAT:

His records be corrected to show that a waiver for advance pay was approved as a result of Operation Fiery Vigil.

APPLICANT CONTENDS THAT:

The reasons the applicant believes the records to be in error or unjust and the evidence submitted in support of the appeal are at Exhibit A.

STATEMENT OF FACTS:

The relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the letter prepared by the appropriate office of the Air Staff. Accordingly, there is no need to recite these facts in this Record of Proceedings.

AIR STAFF EVALUATION:

DFAS-DE/FYDEC reviewed this application and recommended denial. A complete copy of the evaluation is at Exhibit B.

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 injustice. After thorough evaluation of the application submitted, we find that the applicant was affected financially by the volcanic eruption in the Philippines and took substantial losses in relocating his dependents. It is true that he did not file for waiver of the advance pay within the time frame of 10 May 1991 through 31 December 1991; however, to offset any injustice to the applicant, we believe that he should be entitled to the waiver of repayment of one month's advance pay. Therefore, we recommend that his records be corrected as indicated herein.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to [REDACTED], be corrected to show that he applied for advance pay on 10 June 1991 and received a waiver of the advance pay up to one month of basic pay as authorized by Section 1006(c), Title 37, United States Code.

The following members of the Board considered this application in Executive Session under the provisions of AFR 31-3:

Beverly J. Hooper, Panel Chairman
John H. Lynskey, Member
David W. Mulgrew, Member

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

- Exhibit A. DD Form 149, dtd 10 Jun 94, w/atchs.
- Exhibit B. Letter, DFAS-DE/FYDEC, dtd 1 Aug 94.


BEVERLY J. HOOPER
Panel Chairman

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