

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

OCT 27 1998

IN THE MATTER OF:

DOCKET NUMBER: 97-03743

[REDACTED]
COUNSEL: None

[REDACTED]
HEARING DESIRED: No

Applicant requests that his status be changed from technical sergeant (E-6) to master sergeant (E-7) on the Air Force Retired List; that he recoup the difference in active duty pay between E-6 and E-7 from the time he was demoted on 1 Apr 92 until he retired on 1 Sep 94; and, that he recoup the difference in retirement pay from the time of retirement to present in retired pay between E-6 and E-7. Applicant's submission is at Exhibit A.

The appropriate Air Force offices evaluated applicant's request and provided advisory opinions to the Board recommending the application be denied (Exhibit C). The advisory opinions were forwarded to the applicant for review and response (Exhibit D). Applicant's response to the advisory opinion is at Exhibit E.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinions appear to be based on the evidence of record and have not been adequately rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Mr. Vaughn E. Schlunz, Mr. Richard A. Peterson, and Mr. Patrick R. Wheeler considered this application on 29 September 1998 in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.



VAUGHN E. SCHLUNZ
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinions
- D. AFBCMR Ltr Forwarding Advisory Opinions
- E. Applicant's Response



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

23 FEB 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPPWB
550 C Street West, Ste 09
Randolph AFB TX 78150-4711

SUBJECT: Application for Correction of Military Records [REDACTED]

Requested Action. The applicant is requesting his status be changed from **TSgt (E-6)** to his former grade of **MSgt (E-7)** on the Air Force Retired List, recoup the difference in pay for active duty **and** retired time between **E-6 and E-7**.

Reason for Request. The applicant believes that his demotion to E-6 was due to his inability to satisfactorily lose the 2 percent body fat required during that period; however, since then, the Air Force changed satisfactory progress to mean the loss of 1 percent body fat or 5 pounds per month for males. He contends if he **fell** under those **rules**, he would have had a satisfactory **progress** and not **been** demoted.

Facts. The applicant was demoted from **MSgt to TSgt under** the provisions of **AFR 39-30**, para **3D**, for failure to maintain his weight **within** the required Air Force standards. See AFPC/DPSFC, **ltr** 17 Feb 98.

Discussion. The applicant was demoted per **Special Order A-28**, [REDACTED] dated 9 Apr 92. He was demoted from the permanent grade of master sergeant to the permanent grade of technical sergeant effective and with a date of rank of 1 Apr 92, under the provisions of **AFR 39-30**, paragraph **3D** (failure to maintain his weight). Should the AFBCMR **grant** the request, the effective date **and** date of rank to master sergeant was 1 **Mar** 90. The applicant's case file does not contain a copy of the demotion package. We would normally review the demotion action for compliance **with** the procedures outlined in **AFR 39-30**. However, **the** applicant is not questioning the procedural correctness of the demotion action but rather the basis for it.

Recommendation. We defer to the recommendation of AFPC/DPSFC.



Chief, Inquiries/BCMR Section
Enlisted Promotion & Mil Testing Br



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

17 FEB 1998

MEMORANDUM FOR SAF/MIBR

FROM: HQ AFPC/DPSFC
550 C Street West, STE 37
Randolph AFB TX 78150-4739

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

Requested Action: The applicant requests his status be changed from Technical Sergeant (E6) to Master Sergeant (E-7) on the Air Force Retired List, recoup the difference in active duty pay between TSgt and MSgt from the time he was demoted on 1 Apr 92 until he retired on 1 Sep 1994, and the difference in retirement pay from the time of retirement to present in retired pay between E-6 and E-7.

Basis for Request: The applicant contends his demotion to E-6 was due to his inability to satisfactorily lose the 2 percent body fat required during that period; however, since then, the Air Force changed satisfactory progress to mean the loss of 1 percent body fat or 5 pounds per month for males. He contends if he fell under those rules, he would have had a satisfactory progress and not been demoted.

Discussion: Maintaining Air Force weight and body fat standards is an individual responsibility. Obesity not only detracts from a professional military appearance and the confidence the public has in their national defense, but according to the National Institute of Health (NIH), it is also a dangerous health risk. NIH reports obesity is as lethal as high blood pressure or smoking cigarettes and causes heart attacks, strokes, diabetes, and cancer. Therefore, exceeding Air Force weight standards increases a person's risk of serious health problems, thereby impacting on the individual's and the Air Force's mission readiness.

The WMP is a rehabilitative program designed to encourage safe, effective weight loss/body fat reduction, and closely replicates proven civilian weight loss programs. Individual's who allow themselves to exceed the Air Force body fat standards are subject to administrative actions that may reflect during and after their career. Administrative actions may consist of counseling, reprimands, denial of promotion, and ultimately involuntary separation. These actions support good order and discipline necessary for a strong military force.

Unit commanders may approve temporary medical deferrals for participants in Phase I of the WMP (the active weight/body fat loss phase), when recommended by a medical practitioner. Commanders are required to notify individuals who get deferrals that they remain ineligible for many career related events, since the temporary medical deferral (weight status code 5) is considered Phase I of the WMP. Individuals with the temporary medical deferral are exempt

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from weight checks, body fat measurements and/or participation in an exercise program for the duration of the deferral, at which time, a new base line is established and the member continues in the program.

Commanders make every effort to assist individuals in their quest to maintain their weight and body fat standards. A medical evaluation, diet counseling(s), 90-day exercise program, and monthly checks are provided as rehabilitative support for individuals who exceed weight and body fat standards. It is never an easy decision for commanders to take administrative action against a member of their organization, and is only done as a last recourse. Outstanding performance of duty, while commendable, does not justify a waiver of weight standards.

Facts: Member was enrolled in the WMP on 26 Feb 91. Member was noted as failing on four separate occasions to lose the required 2 percent body fat resulting in the commander taking the following administrative actions:

24 Jul 91 - Verbal Counseling

10 Sep 91 - LOR (Letter of Counseling) with Unfavorable Information File (UIF) for unsatisfactory progress on 19 Aug 91

19 Nov 91 - Commander directed EPR and Control Roster

21 Jan 91 - Demotion to E-6

Recommendation: Deny request. Commander's actions were accurate. The Interim Message Change (IMC) 93-1, to AFR 35-11, 5 Feb 91, was not effective until 30 Jun 93. This IMC changed satisfactory progress standards "from a 2 percent body fat reduction monthly for males/females to a 1 percent body fat reduction or 3 pound loss for females and a 1 percent body fat reduction or 5 pound loss for males." It also stipulated, "All monthly measurements taken prior to receipt of this message under former policy remain valid."

 USAF
Chief, Commander's Programs Branch

Attachment:
IMC 93-1, 30 Jun 93

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AJB 3

NO

HQ AFMPC RANDOLPH AFB TX//DPMA//
AIG 9411//IMPD/MSIPD/DP/DPM/MSP//
AIG 8201//SG/SGP/SGA//
AIG 10607//MSM//

INFO SAF WASHINGTON DC//AAIPSP/AAISML//
HQ USAF WASHINGTON DC//DPXA//
ANGRC ANDREWS AFB MD//DPAR//

JNCLAS

SUBJ: INTERIM MSG CHANGE 93-1 TO AFR 35-11, 5 FEB 91.

.. THE FOLLOWING CHANGE'S ARE EFFECTIVE THIS DATE FOR ALL PERSONNEL
ENTERED IN THE WEIGHT MANAGEMENT PROGRAM (WMP). SATISFACTORY
PROGRESS STANDARDS ARE CHANGED FROM A 2% BODY FAT REDUCTION MONTHLY
FOR MALES/FEMALES TO A 1% BODY FAT REDUCTION OR 3 POUND LOSS FOR
FEMALES AND A 1% BODY FAT REDUCTION OR 5 POUND LOSS FOR MALES. ALL
MONTHLY MEASUREMENTS TAKEN PRIOR TO RECEIPT OF THIS MESSAGE UNDER
FORMER POLICY REMAIN VALID. WITH THIS REVISION AN INDIVIDUAL NEED
ONLY MEET ONE REQUIREMENT TO PROGRESS SATISFACTORILY; HOWEVER, MUST
SAIL BOTH TO BE CONSIDERED UNSATISFACTORY.

.. PARAGRAPH CHANGES:

.. PAGE 4, PARA 1-2M: CHANGE PARA TO READ: "SATISFACTORY PROGRESS. A

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AJB 3

NO

CHANGE IN BODY FAT COMPOSITION OR WEIGHT RESULTING IN A DECREASE OF AT LEAST 1 PERCENT IN BODY FAT PER MONTH OR A WEIGHT LOSS OF 3 POUNDS FOR FEMALES OR 5 POUNDS FOR MALES. WSC 1."

3. PAGE 5, PARA 1-2P: CHANGE PARA TO READ: "UNSATISFACTORY PROGRESS. FAILURE TO REDUCE BODY FAT OR WEIGHT AT THE RATES DESCRIBED FOR SATISFACTORY PROGRESS, OR AN INCREASE..."

1. PAGE 18, PARA 2-22E: CHANGE PARA TO READ: "DURING PHASE I, INDIVIDUALS WILL BE MEASURED FOR WEIGHT AND BODY FAT ON A MONTHLY BASIS TO DETERMINE PROGRESS. SATISFACTORY PROGRESS IS DEFINED AS A CHANGE IN BODY COMPOSITION RESULTING IN A 1 PERCENT DECREASE IN BODY FAT PER MONTH OR A WEIGHT LOSS OF 3 POUNDS PER MONTH FOR FEMALES OR 5 POUNDS PER MONTH FOR MALES. COMMANDERS MAY WEIGH AND MEASURE MEMBERS' BODY FAT PERCENTAGE MORE FREQUENTLY TO REINFORCE REHABILITATIVE EFFORTS; HOWEVER, ONLY THE WEIGHT/MEASUREMENT TAKEN AT THE END OF THE PROGRESS PERIODS WILL BE CONSIDERED AN OFFICIAL MEASUREMENT TO DETERMINE SATISFACTORY OR UNSATISFACTORY PROGRESS. ONCE MEMBERS MEET BODY FAT STANDARDS, REGARDLESS OF WHEN THE MEASUREMENT IS TAKEN, THE COMMANDER MAY ENTER THEM INTO PHASE II (WITH THE EXCEPTION OF PERSONNEL REENTERED INTO PHASE I FROM PHASE II OR THE PROBATION PERIOD, WHO WILL REMAIN IN UNSATISFACTORY STATUS FOR AT LEAST 1

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NO

(MONTH) ."

3. WRITE-IN CHANGES:

PG PARA LINE ACTION

5 1-24 3 CHANGE "FAT INDIVIDUALS. . .STANDARDS." TO "FAT INDIVIDUALS IN MEETING AIR FORCE STANDARDS."

10 2-4B(2) (C) 6 CHANGE "LOSE 6. . .EACH" TO READ "LOSE 1 PERCENT BODY FAT OR 3 POUNDS FOR FEMALES AND LOSE 1 PERCENT BODY FAT OR 5 POUNDS FOR MALES EACH"

10 2-4B(2) (D) 2 DELETE "(6 PERCENT BODY FAT)".

11 2-5B 8 CHANGE "A LOSS. . .MONTH." TO "A LOSS OF 1 PERCENT BODY FAT OR 3 POUNDS FOR FEMALES AND 5 POUNDS FOR MALES EACH MONTH."

11 2-5D(4) 3 CHANGE "UNSATISFACTORY BODY FAT LOSS PERIODS" TO "UNSATISFACTORY MEASUREMENT PERIOD"

12 2-9 10 CHANGE "MONTHLY BODY FAT LOSS STANDARD" TO "MONTHLY LOSS STANDARD"

11 2-28B 10 CHANGE "(ACHIEVING LESS. . .MONTH)" TO "(ACHIEVING LESS THAN 1 PERCENT BODY FAT LOSS OR THE 3 POUND FEMALE/5 POUND MALE WEIGHT LOSS REQUIREMENT)"

11 ATCH 11 18 CHANGE "BODY FAT LOSS EVALUATED. . ." TO "MONTHLY LOSS REQUIREMENT EVALUATED. . ."

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NO

51 ATCH 11 19 CHANGE SENTENCE TO READ "MUST LOSE 1 PERCENT OF BODY.
?AT OR 3 POUNDS FOR WOMEN AND 5 POUNDS FOR MEN EACH MONTH"

4. THIS CHANGE IS INCORPORATED IN THE AIR FORCE INSTRUCTION WHICH
IS PENDING FINAL COORDINATION.

5. THIS MESSAGE HAS BEEN COORDINATED WITH ANGRC/DPAR.- SINCE AFR
35-11 IS NOT APPLICABLE TO THE ANG, THEY WILL PROVIDE GUIDANCE ON
IMPLEMENTING THIS CHANGE.

6. IF YOU HAVE ANY QUESTIONS, POC IS [REDACTED]

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