



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

NOV 23 1998

Office of the Assistant Secretary

AFBCMR 97-03321

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 she applied for remission of indebtedness incurred as a result of government property lost or destroyed (GPLD), Report of Survey #97-96, and her application was approved in the amount of \$286.09 by competent authority.

  
JOSEPH L. NEBERGER  
Director  
Air Force Review Boards Agency

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

NOV 23 1998

IN THE MATTER OF:

DOCKET NUMBER: 97-03321

COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

She receive a waiver *of* her government property lost or damaged (GPLD) indebtedness of \$286.09.

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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.

Applicant's submission is attached at Exhibit A.

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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 Force, Office of Primary Responsibility (OPR) and applicant's statement. Accordingly, there is no need to recite these facts in this Record of Proceedings.

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AIR FORCE EVALUATION:

The Chief, Claims Branch, Directorate of Debt and Claims Management, DFAS-DE/FYCC, states that they contacted the Waivers and Remission Branch (DFAS-DE/FYCT) for their recommendation and were informed that a waiver request would be returned without action. Public Law 92-452 authorizes the waiver of erroneous payments of pay and allowances to military members or civilian employees. The applicant is being charged with government property lost or damaged (GPLD), which is not a payment of pay and allowances; therefore, the debt is not an erroneous payment subject to waiver under this Public Law.

A copy of the Air Force evaluation is attached at Exhibit B.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 19 January 1998 for review and response within 30 days. As of this date, no response has been received by this office.

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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 remission of the applicant's indebtedness. We note that Defense Finance and Accounting Service, DFAS-DE/FYCC, states that the applicant is requesting a waiver of her indebtedness and, according to the Waivers and Remission Branch (DFAS-DE/FYCT), that applicant's waiver request would be returned without action. They stated that Public Law 92-452 only authorizes the waiver of erroneous payments of pay and allowances. The applicant states that she was assigned to the 438<sup>th</sup> Medical Group at McGuire Air Force Base, New Jersey and when the clinic was closed at McGuire, she was moved to Walson Army Hospital, Fort Dix, New Jersey. Once there, she was tasked to perform medical training for personnel from the three military services. She was able to use audio visual equipment located at Fort Dix to complete her training duties and subsequently returned the equipment prior to her permanent change of station (PCS) move. A year later she was informed that some of the equipment was missing and a report of survey was initiated. The applicant took it upon herself to return to Fort Dix and physically search for the missing equipment where she found most of the equipment. It appears that tracking the equipment was confusing due to wrong equipment codes and numbers and by not being properly researched or listed on the property book. We believe the applicant did make every effort to return the proper equipment. There are numerous supporting statements to verify her good faith efforts and we believe it would be unfair and an injustice to the applicant for her to be held totally responsible. While we note that applicant's request for a waiver of indebtedness does not constitute an erroneous payment of pay and allowances, we believe a remission action would be more appropriate and recommend the applicant's records be corrected to the extent indicated below.
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97-03321

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that she applied for remission of indebtedness incurred as a result of government property **lost** or destroyed (GPLD), Report of Survey #97-96, and her application was approved in the amount of \$286.09 by competent authority.

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The following members of the Board considered this application in Executive Session on 17 September 1998, under the provisions of AFI 36-2603:

Ms. Martha Maust, Panel Chair  
Mr. Loren S. Perlstein, Member  
Ms. Ann L. Heidig, Member

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

- Exhibit A. DD Form 149, dated 28 Oct 97, w/atchs.
- Exhibit B. Letter, DFAS-DE/FYCC, dated 31 Dec 97.
- Exhibit C. Letter, AFBCMR, dated 19 Jan 98.

  
MARTHA MAUST  
Panel Chair



DEFENSE FINANCE AND ACCOUNTING SERVICE  
DENVER CENTER  
6760 E. IRVINGTON PLACE  
DENVER, COLORADO 80279

DFAS-DE/FYCC

DEC 31 1997

MEMORANDUM FOR AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

ATTN: AFBCMR

**SUBJECT:** Application for Correction of Military Records

We examined the attached application for correction of military records for [REDACTED] Account Number

Since we are unable to take action to administratively provide the relief sought, we are forwarding it for your consideration.

The applicant is requesting a waiver of her government property lost or damaged (GPLD), indebtedness of \$286.09.

We contacted the Waivers and Remission Branch (DFAS-DE/FYCT) for their recommendation. They informed us that a waiver request would be returned without action. Public Law 92-452 authorizes the waiver of erroneous payments of pay and allowances to military members or civilian employees. The applicant is being charged with a GPLD, which is not a payment of pay and allowances; therefore, the debt is not an erroneous payment subject to waiver under this Public Law.

We are forwarding this application for correction of military records without any recommendation. **Any** action taken by this office will be determined by the Board's decision on the applicant's request

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