

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NO: 98-01258

[REDACTED]
[REDACTED]
COUNSEL: NONE

JAN 13 1999

HEARING DESIRED: NO

Applicant requests the disability severance pay she received at the time of her discharge from the Temporary Disability Retired List (TDRL), not be collected from her retired pay. Applicant's submission is at Exhibit A.

On 4 December 1997, the Board considered and granted applicant's request that her records be corrected to reflect that she was medically retired, rather than separated with severance pay. A copy of the Record of Proceedings is attached at Exhibit C.

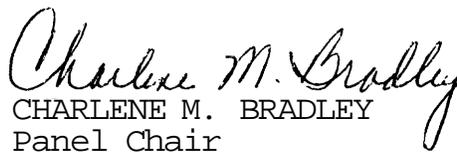
The appropriate Defense Finance and Accounting Service office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit D). The advisory opinion was forwarded to the applicant for review and response (Exhibit E). As of this date, no response has been received by this office.

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 opinion appear to be based on the evidence of record and have not been 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 Ms. Charlene M. Bradley, Mr. Terry A. Yonkers, and Ms. Peggy E. Gordon, considered this application on 16 December 1998, in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.


CHARLENE M. BRADLEY
Panel Chair

Exhibits:

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



DEFENSE FINANCE AND ACCOUNTING SERVICE
CLEVELAND CENTER
PO BOX 99191
CLEVELAND, OH 44199-1128

(DFAS-CL/FRAB)

June 10, 1998

MEMORANDUM FOR AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

FROM: DEFENSE FINANCE AND ACCOUNTING SERVICE - CLEVELAND CENTER,
RETIRED PAY OPERATIONS
PO BOX 998004
CLEVELAND OH 44199

SUBJECT: Application for Correction of Military Records
[REDACTED]

1. Requested Action: [REDACTED] has requested that the disability severance pay received at the time of discharge from the Temporary Disability Retired List, not be collected from retired pay.

2. Basis for Request: The disability severance pay was not requested.

3. Facts: The record indicates that [REDACTED] was disputing the findings of the Physical Evaluation at the time the discharge from the TDRL took effect and the disability severance pay was issued.

4. Recommendation: Once the orders have been issued, the disability severance pay is properly payable and is not a payment subject to approval by the recipient. If proper orders are issued, payment is due. If the member concerned wanted to pay the funds back, the money could have been deposited in an account awaiting payback. The payment was legal and proper when made. Payment was received and must now be recouped from retired pay. Cannot recommend approval of this request,


D. Disbrow

Technical Branch, Technical Section
Retired Pay Operations

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