

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-03665

COUNSEL: NONE

FEB 5 1999

HEARING: NO

The applicant requests that his retired pay be corrected to reflect the proper grade of 03-E rather than 0-3. Applicant's submission is at Exhibit A.

The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit C). The advisory opinion was forwarded to the applicant for review and response (Exhibit D). 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 Mr. Thomas S. Markiewicz, Ms. Rita J. Maldonado, and Ms. Peggy E. Gordon considered this application on 7 January 1999 in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.


THOMAS S. MARKIEWICZ
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 44199-1126

(DFAS-CL/FRAB)

June 2, 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 his retired pay be corrected to reflect his proper grade on the retired list. He believes that he is being paid as an O-3 rather than an O-3E.

2. Basis for Request: The retirement orders issued indicate that he served more than 4 years as an enlisted person, which would warrant the O-3E.

3. Facts: The record indicates that at the time of his retirement the saved pay rules were still in effect. We have manually verified the possible rates and find that if he had been paid as an O-3 on the October 1977 pay rates, in effect on retirement: date of February 1, 1978, his current pay would be \$2074.00; as an O-3E it would be \$2104.00. Under saved pay, using the same service totals and the immediately preceding pay rates, October 1976, his pay would be \$2080.00 as an O-3; and \$2114.00 as an O-3E. As he is currently in receipt of \$2114.00, he is being correctly paid as an O-3E.

5. Recommendation: As the account is correct, no correction is required.

D. Disbrow
Technical Branch, Technical Section
Retired Pay Operations