RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2010-00953

COUNSEL: XXXXXXX

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His records be corrected to show he was promoted to either Captain, or at worst, First Lieutenant prior to his medical retirement.

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APPLICANT CONTENDS THAT:

He recently learned that upon graduation from medical school he was to be appointed in the grade of captain. He feels he should be promoted as he served satisfactorily and earned the Air Force Commendation Medal (AFCM). A complete copy of the evidence submitted in support of the appeal is at Exhibit A.

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STATEMENT OF FACTS:

The relevant facts pertaining to this application are contained in the letter prepared by the appropriate office of the Air Force.

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AIR FORCE EVALUATION:

AFPC/DPAME recommended denial as the applicant has not shown evidence of an error or injustice. By law and regulation, he did not meet the requirements necessary to be appointed in the Regular Air Force in the grade of captain. A complete copy of the evaluation, with attachments, is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Counsel for the applicant responded by providing a statement essentially disputing DPAME’s contention the applicant did not meet the requirements for promotion to captain.

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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 not timely filed; however, it is in the interest of justice to excuse the failure to timely file.

3.  Insufficient relevant evidence has been presented to demonstrate the existence of error or injustice. 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 adequately rebutted by applicant. Absent evidence the 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.

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THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

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The following members of the Board considered AFBCMR Docket Number BC-2010-00953 in Executive Session on 5 January 2011, under the provisions of AFI 36-2603:

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 1 Mar 10, w/atchs.

Exhibit B. Applicant's Master Personnel Records.

Exhibit C. Letter, AFPC/DPAME, dated 17 May 10, w/atchs.

Exhibit D. Letter, AFBCMR, dated 2 Jul 10.