

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-03444

COUNSEL: None

FEB 19 1999

HEARING DESIRED: No

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~~APPLICANT REQUESTS THAT:~~

His mandatory separation date (MSD) be changed from 10 March 2001 to 8 July 2004.

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~~APPLICANT CONTENDS THAT:~~

with the implementation of the Reserve Officer Personnel Management Act (ROPMA) on 1 October 1996, the MSD of officers who were awarded constructive service credit, was to be recomputed to delete that credit. He was awarded four years constructive service credit for being a dentist. The deletion of this credit should have resulted in his MSD of 8 July 2000 being changed to 8 July 2004. He believes it was changed to 10 March 2001 in error. It appears that his acceptance of an Air Force commission on 11 February 1971 through the early commissioning program, created this problem. That date and event gave him no benefits or advantages over someone who joined the Air Force immediately upon graduation from dental school. But, it now has the negative and unjust effect of preventing him serving 3 years and 4 months, which he could have served with the deletion of 4 years of constructive service credit and obtaining an Air Force commission in any way other than the early commissioning program. He does not believe this was the intent of ROPMA. His MSD was extended only 8 months and not the 4 years it should have been with the deletion of 4 years constructive service credit.

Applicant's complete submission is attached at Exhibit A.

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~~STATEMENT OF FACTS:~~

On 11 February 1971, the applicant was appointed a 2<sup>nd</sup> Lieutenant in the Reserve of the Air Force (ResAF) in the Medical Service Corps (MSC) Early Commission Program (ECP). His established Total Federal Commission Service Date (TFCS D) was 11 February 1971.

On 5 February 1974, applicant was appointed 1<sup>st</sup> Lieutenant in the ResAF, Dental Corp (DC). He graduated from dental school on 8 June 1974.

On 2 July 1974, the applicant was ordered Extended Active Duty (EAD), ResAF, in the grade of Captain. He was awarded four years constructive service credit on his total years service date (TYSD) for a dental degree and his TYSD was established as 8 June 1970. Applicant's TYSD is established from the date of graduation, 8 June 1974, and includes 3 years, 3 months and 27 days duplicated commissioned service time for the period 11 February 1971 through 8 June 1974, and 8 months, 3 days constructive credit for the period 8 June 1970 through 10 February 1971. He had an established MSD of 8 July 2000.

On 4 August 1981, applicant was commissioned in the regular Air Force and appointed a Captain, DC.

On 5 January 1983, applicant tendered his resignation from all appointments in the Air Force, to be effective 1 September 1983.

On 5 May 1983, applicant withdrew his resignation to remain at his present assignment at Torrejon AB Spain for one more year and allow him the opportunity to apply for AF sponsored specialty training in endodontics once more.

On 21 November 1983, applicant tendered his resignation from all appointments in the Air Force.

On 18 January 1984, the Secretary of the Air Force accepted applicant's resignation and applicant was honorably discharged on 5 July 1984 in the grade of lieutenant colonel.

On 28 May 1985, applicant accepted a commission as a ResAF in the grade of lieutenant colonel.

With the implementation of ROPMA on 1 October 1996, the MSD of officers who were awarded constructive service credit was to be recomputed to delete that credit. Applicant's MSD was recomputed to delete the constructive service credit changing his MSD of 8 July 2000 to 12 March 2001.

Applicant's MSD of 12 March 2001 is computed based on 30 years and 30 days commissioned service under Title 10 U.S.C., former Section 8851, from his TFCSD of 11 February 1971. The TFCSD is the date of acceptance of the applicant's original commission and reflects no constructive service credit.

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## AIR FORCE EVALUATION:

The Director of Personnel Program Management, HQ ARPC/DP, reviewed this application and states that based on the applicant's Statement of Service dated 6 November 1974 and AF Form 133, Oath of Office, sworn on 11 February 1971, the applicant was officially commissioned in the Medical Service Corps Early Commission Program IAW Air Force Manual (AFM) 36-5, 30 September 1970, page 7-1, paragraph 7-3(1) and AFR 36-6, Medical Service Early Commissioning Program, 21 November 1969. Therefore, the current TFCSD, 11 February 1971, shown in their Personnel Data System (PDS) is correct. The applicant was awarded 4 years constructive service credit on his TYSD, for a dental degree. The TYSD is established from the date of graduation, 8 June 1974, and includes 3 years, 3 months, and 27 days duplicated commissioned service time, 11 February 1971 - 8 June 1974, and 8 months, 3 days constructive credit, 8 June 1970 through 10 February 1971, per AFM 36-5, Table 2-3, Rule 7, and paragraphs 2-15 and 2-16. The current TYSD shown in their PDS is correct at 8 June 1970. Therefore, they recommend denial of the applicant's request.

A complete copy of their evaluation is attached at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A complete copy of the Air Force evaluation was forwarded to the applicant on 18 May 1998, for review and response. 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. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After reviewing the evidence of record, we are not persuaded that the applicant's Mandatory Separation Date (MSD) should be changed. The applicant contends that he should have four years added to his MSD, changing it to 8 July 2004. In this respect, we note that the Air Force states that with the implementation of the Reserve Officer Personnel Management Act (ROPMA) on 1 October 1996, the applicant's MSD was adjusted from 8 July 2000 to 12 March 2001. We also note that the Air Force indicates that the applicant's MSD of 12 March 2001 was computed based on 30 years and 30 days commissioned service under Title 10 U.S.C.,

former Section 8851, from his Total Federal Commissioned Service Date of 11 February 1971. In view of the computations, we find no error and applicant has not provided any evidence to the contrary. In view of the foregoing and in the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.

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THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable 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.

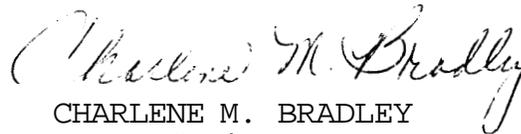
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The following members of the Board considered this application in Executive Session on 10 November 1998, under the provisions of AFI 36-2603:

Ms. Charlene M. Bradley, Panel Chair  
 Mr. Joseph G. Diamond, Member  
 Mr. Terry A. Yonkers, Member  
 Ms. Gloria J. Williams, Examiner (without vote)

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 12 Nov 97, w/atchs.  
 Exhibit B. Applicant's Master Personnel Records.  
 Exhibit C. Letter, ARPC/DP, dated 1 May 98.  
 Exhibit D. Letter, AFBCMR, dated 18 May 98.

  
 CHARLENE M. BRADLEY  
 Panel Chair