

JUL 21 1998

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-00302

COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

He be retired in the grade of senior master sergeant (E-8), effective 2 August 1998, versus 2 August 2008.

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APPLICANT CONTENDS THAT:

His current retirement orders state E-7 retirement pay, then shift to E-8 pay after 10 years as provisioned in AFI 36-3203 7.4.1. Current regulations exist for those individuals who unwillingly have lost stripes due to disciplinary actions. He states that he does not fall under this category. As a Navy E-8 for approximately two years, he crossed over into a critically undermanned career field in Air Force Special Operations, and, in turn, was downgraded to E-7. Due to his exceptional service record as an E-8 and his willingness to serve his country, he contests Title 10 USC 8961 (b) that his retirement pay be upgraded to his highest rank attained immediately.

In support of the appeal, applicant submits a copy of his retirement orders and DD Form 214 from the Navy for E-8 verification. In addition, he submits his prior enlisted performance reports as an E-8 substantiating that his service was satisfactory in that grade (provisioned under AFI 36-3203 7.5.1.2).

Applicant's complete submission is attached at Exhibit A.

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STATEMENT OF FACTS:

The applicant is currently serving in the Regular Air Force in the grade of master sergeant.

The applicant enlisted in the Regular Air Force on 11 September 1995, in the grade of master sergeant. Prior to his enlistment

in the Air Force, he completed a total of 17 years, two months and 19 days of active Navy service.

On 23 September 1997, the applicant voluntarily applied for retirement and was approved for retirement to be effective 1 August 1998. His retirement order, DAFSO AC-000230, dated 8 October 1997, reflects that he will be relieved from active duty on 31 July 1998 and retired on 1 August 1998 with 20 years and 29 days active service, in the grade of master sergeant.

EPR profile since 1996 reflects the following:

<u>PERIOD ENDING</u>	<u>OVERALL EVALUATION</u>
10 Sep 96	5
31 May 97	5

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AIR FORCE EVALUATION:

The Chief, Skills Management Branch, AFPC/DPPAE, reviewed this application and states that in accordance with AETCI 36-2002, the highest enlistment grade authorized for prior service personnel is technical sergeant (E-6). Since the applicant did not provide copies of enlistment processing paperwork, they can only speculate he was awarded pay grade E-7 as an exception to policy. They state that the applicant's enlistment in the Regular Air Force in the pay grade E-7, effective and with date of rank 11 September 1995, is correct and in compliance with policy. Therefore, since he is not contesting his enlistment grade of master sergeant, they have no further comments on this case.

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

The Retirements Branch, AFPC/DPPRR, reviewed this application and states that the applicant will be advanced to the grade of senior master sergeant on 2 August 2008. This action is in accordance with Section 8964, Title 10, USC 8964, which provides for enlisted members to be advanced (when their active service plus service on the retired list totals 30 years) on the retired list to the highest grade in which they served on active duty satisfactorily as determined by the Secretary of the Air Force. They quote Title 10, USC 8961 as stating: "Unless entitled to a higher retired grade under some other provision of law a regular or reserve of the Air Force who retires other than for physical disability retires in the regular or reserve grade that he holds on the date of his retirement." In the applicant's case, the grade is master sergeant. They further state that the applicant signed an Enlistment Agreement (AF Form 3006) on 11 September 1995, which clearly stated, "My enlistment in the Regular Air Force is for four years of active duty. I have been counseled on the six-year enlistment program and enlistment grade policy. I

am enlisting in pay grade E-7. I have no claim to a higher grade. I understand my entitlement to further promotions will be in accordance with regulations in effect at the time of my eligibility for promotion and provisions do not exist to accelerate promotion due to my prior service or the number of years I am enlisting for." The applicant is correctly projected to retire in the grade of master sergeant, which is the grade he will hold on the date of his retirement. There are no provisions of law that would allow him to retire in a grade other than the grade he holds on the last day of active duty. Nevertheless, there is an advancement statement on the applicant's retirement order which advances him to the highest grade satisfactorily held at the 30-year point. No irregularities or injustices were discovered while reviewing the applicant's retirement actions. Therefore, they recommend denial of applicant's request.

A complete copy of the evaluation is attached at Exhibit D.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the Air Force evaluations and states that he is not requesting to be retired at the grade of senior master. He is requesting retired pay consistent with highest grade held as applies to military officers. He states that Title 10 USC 8961 applies to enlisted members only. Military officers receive retirement pay at the highest grade held at the time of retirement. This inconsistency in treatment of officers versus enlisted in the United States Code is prejudice and inconsistent with the respectable history of the military and country he has served for over 20 years. He recommends fair and equal treatment for officers and enlisted upon retirement from the United States military.

Applicant's complete response is attached at Exhibit F.

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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. We took notice of the applicant's complete submission; however, we agree with the opinions and recommendations of the Air Force and adopt their rationale as the basis for the conclusion that the applicant has not been the victim of an error or injustice. Therefore, in the absence of evidence to the contrary, we find no

compelling 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 7 July 1998, under the provisions of AFI 36-2603:

Mrs. Barbara A. Westgate, Panel Chair  
 Mr. Frederick R. Beaman III, Member  
 Mr. Steven A. Shaw, Member  
 Ms. Phyllis L. Spence, Examiner (without vote)

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 22 Jan 98, w/atchs.  
 Exhibit B. Applicant's Master Personnel Records.  
 Exhibit C. Letter, AFPC/DPPAE, dated 11 Mar 98, w/atchs.  
 Exhibit D. Letter, AFPC/DPPRR, dated 16 Mar 98, w/atchs.  
 Exhibit E. Letter, AFBCMR, dated 30 Mar 98, w/atchs.  
 Exhibit F. Applicant's Letter, dated 13 Apr 98.

  
 BARBARA A. Westgate  
 Panel Chair



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR FORCE PERSONNEL CENTER  
RANDOLPH AIR FORCE BASE TEXAS

MEMORANDUM FOR AFBCMR

11 MAR 1998

FROM: HQ AFPC/DPPAE  
550 C Street West, Ste 10  
Randolph AFB TX 78150-4712

SUBJECT: Application for Correction of Military Record - [REDACTED]

The applicant requests his retirement grade changed to **SMSgt** (E-8) based on grade held upon discharge from the U.S. Navy. This advisory will only comment on his enlistment grade.

Applicant served a total of 17 years, two months, and 19 days of active Navy service. He enlisted in the USAF on 11 Sep 95 in the grade of **MSgt**. In accordance with **AETCI 36-2002**, the highest enlistment grade authorized for Prior Service personnel is **TSgt (E-6)**. Since applicant did not provide copies of enlistment processing paperwork, we can only speculate he was awarded pay grade **E-7** as an exception to policy. The enlistment grade provision is included on the Enlistment Agreement, AF Form 3006, Section I, Item A, which applicant acknowledged on his date of enlistment.

Applicant's enlistment in the RegAF in pay grade E-7, effective and with DOR 11 Sep 95, is correct and in compliance with policy. Since he is not contesting his enlistment grade of **MSgt**, we have no further comments on this case.

  
C. RAMLOGAN, CMSgt, USAF  
Chief, Skills Management Branch  
Dir of Pers Program Management

R	A	B	C
U L E	If the applicant's last regular component was	then the authorized enlistment grade is	Note
1	Air Force	grade in which last separated from the RegAF or in which currently serving in the ARC (maximum, master sergeant)	1,2,3,4
2	non-Air Force	grade in which last separated from regular component or in which currently serving in the ARC (maximum, technical sergeant; minimum, staff sergeant [if staff sergeant was held at time of separation from regular component or in the ARC])	1,2,3,5,6

A3.5.2. Determine DOR as follows. For prior Air Force enlistees who enlist for DDA AFSC (minimum 3-skill level) held at the time of separation from RegAF or who have the necessary prerequisite AFSC and skill level and enlist from retraining into a lateral AFSC, time in grade (TIG) is retained as follows:

A3.5.2.1. When enlisted before the second anniversary of DOS, one-half of the applicant's TIG will be restored

A3.5.2.2. When enlisted on or after the second anniversary and before the fourth anniversary, one-fourth of the previous TIG will be restored.

A3.5.2.3. When enlisted on or after the fourth anniversary, the DOR will be the date of enlistment (DOE).

A3.5.2.4. Applicants who are entitled to enlist in a pay grade higher than the grade they last held in the RegAF due to ARC service are not authorized to retain TIG accrued in the higher grade.

A3.5.2.5. The effective date of pay grade on the DD Form 214 is used to determine TIG possessed at the time of separation.

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**ENLISTMENT AGREEMENT - PRIOR SERVICE/ACTIVE USAFR/ANG-UNITED STATES AIR FORCE**  
(THIS FORM IS SUBJECT TO THE PRNACY ACT OF 1974 - USE BLANKET PAS - AF FORM 883)

ANNEX A TO DD FORM 4  
(See instructions on reverse)

**TERMS OF ENLISTMENT AGREEMENT**

**A. TERM OF ENLISTMENT/ENLISTMENT PAY GRADE.** My enlistment in the Regular Air Force (RegAF) is for 4 years of active duty. I have been counseled on the six-year enlistment program and enlistment grade policy. I am enlisting in pay grade E-7. I have no claim to a higher grade. I understand my entitlement to further promotions will be in accordance with regulations in effect at the time of my eligibility for promotion and provisions do not exist to accelerate promotion due to my prior service or the number of years I am enlisting for. (X)

**B. DATE OF RANK (DOR).** If I am enlisting for retraining, have never served in the RegAF, or have been separated from the RegAF for more than four years. I understand my DOR is my date of enlistment in the RegAF. If my last Regular component service was the RegAF and I am enlisting for directed duty assignment in the same pay grade I was separated from the RegAF, within four years of my date of separation (DOS) from the RegAF, I may be eligible for a DOR adjustment as prescribed by appropriate directives. (X)

**C. DIRECTED DUTY ASSIGNMENT.** I am enlisting for direct duty in Air Force Specialty (AFS) [redacted] with first assignment to [redacted]

**D. RETRAINING.** I am enlisting for [redacted] retraining in Air Force Specialty (AFS) [redacted] with first regular duty assignment to [redacted]. My former specialty will be awarded as my initial Primary AFSC at the appropriate skill level if it is a current AFS. If I fail to complete the required training, I have voided this agreement in regard to Air Force specialty and assignment and will either be reclassified into another job based on the needs of the Air Force, or separated. I agree to accept the results of reclassification/retention action taken at the training center (if formal retraining) or at my initial assignment (if on-the-job retraining). If attending a formal training course, I may not terminate advance leave by early reporting to the training center, and leave will only be granted during formal training for emergencies verified through the American Red Cross. ( )

**E. APPLICANT INFORMATION.** I have received an Applicant Information Pamphlet, which I have read. I have requested 0 days advance leave. I may not apply for assignment in any previous skill or for retraining into another AFS until I have completed 36 months service if I am a 4-year enlistee or 60 months service if I am a 6-year enlistee. I understand I could be assigned to any or all of the tasks within my specialty. I also understand the intent of the Air Force is to retain me in my specialty for my complete enlistment, however, Air Force needs come first, and, in the event of mission changes, Air Force-wide conversions in my skill, disqualification from my skill, or any other Air Force requirements, the Air Force cannot guarantee tenure in my AFS. If I am a non-US citizen, I understand I must attain US citizenship to be eligible for reenlistment. I understand my Home of Record as recorded on DD Form 4 cannot be changed while I am in the Air Force. MY failure to maintain Air Force standards, or to perform assigned duties (including, but not limited to, security, operation, or firing of weapons) may result in involuntary separation or other appropriate action. [redacted]

**F. BROKEN SERVICE SELECTIVE REENLISTMENT BONUS (BSSRB). (Prior RegAF Only)** I understand that, not earlier than 90 days after arrival at my duty station, I will be authorized payment as prescribed in my Applicant Information Pamphlet of BSSRB Zone [redacted] in the amount determined by multiplying my basic pay, at time of separation from active duty in the RegAF, by the term of this enlistment (reduced by unfulfilled active service obligation from prior RegAF enlistment and by new obligated active service exceeding 16 years TAFMS) times (X) Selective Reenlistment Bonus (SRB) multiple [redacted] times (X) a fraction (1/2 if Regular Air Force enlistment occurs prior to 2d anniversary of DOS, 1/4 if prior to 4th anniversary of DOS). I further understand and agree, as defined by the DOD Military Pay and Allowance Entitlements Manual, that should I voluntarily or involuntarily not complete the term of obligated service for which this bonus is paid, or should I not maintain qualification in the bonus AFSC, I may be required to repay the unearned portion of the bonus. In the event any administrative action is initiated by me or the Air Force that could result in the need to recoup bonus payments, I consent to the withholding of a portion of my current pay in anticipation of that indebtedness. Such held pay shall be paid to me if it is later determined that recoupment is not required. Entitlement to this bonus is based on my certification that, (1) upon separation from the RegAF, I was fully qualified in AFSC [redacted] and was performing duty in this AFSC, and, (2) I have not previously received an SRB for the BSSRB Zone (either A, B, or C) I am enlisting for. I understand public law prohibits bonus payment (SRB and BSSRB) more than once within each zone of eligibility.

(Signature) [redacted]

G. REMARKS

NONE [redacted]

**I. ACKNOWLEDGMENT AND REVIEW ON DATE OF ENLISTMENT**

This is my official agreement with the United States Air Force, and lists all promises guaranteed to me by any Air Force representative in regard to enlistment grade, job, training, assignment, future promotions, and all other personnel actions. On the day of my enlistment and prior to taking the oath of enlistment, I have carefully reviewed this form and all other documents. I fully understand that ANY PROMISE MADE BY ANYONE (ORAL or WRITTEN) TO ME THAT IS NOT IDENTIFIED ON THIS FORM WILL NOT BE HONORED BY THE AIR FORCE. My initials in paragraphs that apply to me and my signature below constitutes my UNDERSTANDING AND ACCEPTANCE OF THIS ENLISTMENT AGREEMENT. [redacted]

DATE	NAME (Last, First, Middle Initial) AND SSN OF APPLICANT	SIGNATURE OF APPLICANT
950911	[redacted]	[redacted]

**II. VERIFICATION BY USAF REPRESENTATIVE ON DATE OF ENLISTMENT**

On the date of applicant's enlistment, I discussed each applicable entry on this form with the applicant. I have personally verified that enlistee meets the requirements for enlistment options chosen.

DATE	NAME AND GRADE OF USAF REPRESENTATIVE	SIGNATURE OF USAF REPRESENTATIVE
950911	[redacted]	[redacted]



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR FORCE PERSONNEL CENTER  
RANDOLPH AIR FORCE BASE TEXAS

16 Mar 98

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPRR  
550 C Street West, Suite 11  
Randolph AFB TX 78150-4713

SUBJECT: Application for Correction of Military Records

**Requested Action.** Applicant is requesting to be retired and paid retired pay in the grade of senior master sergeant (**SMSgt**).

**Basis for Request.** Applicant's current retirement orders (AC-000230 dated 8 Oct 97) reflect he **will** be retiring in the grade of master sergeant (MSgt) and **will** be advanced to the grade of SMSgt effective **2 Aug 2008**. He believes current regulations **exist** for those individuals who unwillingly have lost stripes due to disciplinary **actions** and he does not fall under this category. Applicant held the grade of **SMSgt** in the Navy for approximately **two** years. He was discharged **from** the Navy on 8 Sep 95 and enlisted in the Air Force on 11 Sep 95 in the grade of **MSgt**. Based on his exceptional service record as a SMSgt in the Navy and willingness to serve **his country**, applicant is contesting Section 8961, Title 10, United States Code and requesting retirement in the highest rank attained immediately.

Facts.

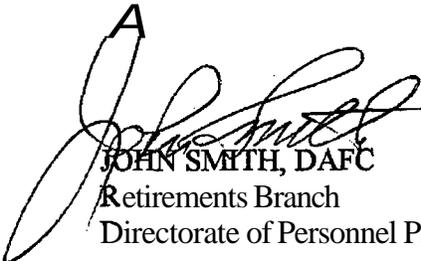
a. **On** 23 Sep 97 applicant **voluntarily** applied for retirement and **was** approved for retirement to be effective 1 Aug 98. The applicant's retirement order, DAFSO AC-000230, 8 Oct 97 [REDACTED] reflects he will be relieved from active duty on 31 Jul 98 and retired 1 Aug 98 with 20 years, 00 days, and 29 days active service for retirement in the grade he holds **on** the date of retirement - MSgt. It **also** reflects that applicant will be advanced to the grade of **SMSgt** on **2 August 2008**. **This** action is in accordance with Section 8964, Title 10, United States Code [REDACTED] which provides for enlisted members **to** be advanced (when their active service **plus service** on the retired list totals **30 years**) on the retired list to the **highest** grade in which they served on active **duty** satisfactorily as determined by the Secretary of the Air Force.

b. Section 8961, Title 10, United States Code [REDACTED] states: "Unless entitled to a higher retired grade under some other provision of law **a regular or** reserve of **the** Air

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c. Applicant signed an Enlistment Agreement (AF Form 3006) [REDACTED] on 11 Sep 95, which clearly stated: "My enlistment in the Regular Air Force is for 4 years of active duty. I have been counseled on the six-year enlistment program and enlistment grade policy. I am enlisting in pay grade E-7. *I have no claim to a higher grade.* I understand **my** entitlement to further promotions will be in accordance with regulations in effect at the time of **my** eligibility for promotion and provisions do not exist to accelerate promotion due to my prior service or the number of years I **am** enlisting for."

Recommendation. Denial. Applicant is correctly projected to retire in the grade of MSgt, which is the grade he is holding on the date of his retirement. There **are** no provisions of law that would **allow him** to retire in a grade other than the grade he holds on the last day of active duty. There is **an** advancement statement on applicant's retirement order which advances him to the highest grade satisfactorily held at the 30-year point. No irregularities or injustices were discovered while reviewing the applicant's retirement actions.



JOHN SMITH, DAFC  
Retirements Branch  
Directorate of Personnel Program Management

Attachments

1. Retirement Order AC-000230
2. Section 8964, Title 10, U.S.C.
3. Section 8961, Title 10, U.S.C.
4. AF Form 3006, 11 Sep 95

DEPARTMENT OF THE AIR FORCE  
WASHINGTON

SPECIAL ORDERS  
NO. AC-000230

08 OCT 97

[REDACTED]

[REDACTED]

EFFECTIVE, 31 JUL 98, YOU ARE RELIEVED FROM ACTIVE DUTY, ORGANIZATION AND STATION OF ASSIGNMENT, RETIRED EFFECTIVE 01 AUG 98 PER AFI 36-3203 IN GRADE OF MSG.

HIGHEST GRADE HELD ON ACTIVE DUTY: BMCS

DATE OF BIRTH: 25 OCT 59

	YEARS	MONTHS	DAYS
SERVICE FOR BASIC PAY:	20	08	20
ACTIVE SERVICE FOR RETIREMENT:	20	00	29
SERVICE FER 10 USC 1405:	20	01	09

PROCEED TO HOME OF SELECTION

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REMARKS: EFFECTIVE 02 AUG 2008 THE ABOVE INDIVIDUAL IS ADVANCED TO THE GRADE OF SENIOR MASTER SERGEANT ON THE USAF RETIRED LIST BY REASON OF COMPLETING A TOTAL OF 30 YEARS ACTIVE PLUS SERVICE: ON THE RETIRED LIST ON 01 RUG 2008. AUTHORITY: 10 USC 8964.

BY ORDER OF THE SECRETARY OF THE AIR FORCE

OFFICIAL

DEAN D. SANDMIRE, LT COL, USAF  
CHIEF RETIREMENTS & SEPARATIONS DIU

DISTRIBUTION: B-AIRMAN  
SERVICING MPF/PERS RELOCATIONS

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DIST: DPPRY - 1 CY

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MER - 25 CYS

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(1) at the time of retirement is serving on active duty (or, in the case of a member of the National Guard, on full-time National Guard duty) in a grade lower than the highest enlisted grade held by the member while on active duty (or full-time National Guard duty); and

(2) was previously administratively reduced in grade not as a result of the member's own misconduct, as determined by the Secretary of the Air Force.

(c) This section applies with respect to Reserve enlisted members who are retired under section 8914 of this title after September 30, 1996.

(Added P.L. 104-201, § 532(c)(1), Sept. 23, 1996, 110 Stat. 2519.)

§ 8964. Higher grade after 30 years of service: warrant officers and enlisted members

(a) Each retired member of the Air Force covered by subsection (b) who is retired with less than 30 years of active service is entitled, when his active service plus his service on the retired list totals 30 years, to be advanced on the retired list to the highest grade in which he served on active duty satisfactorily (or, in the case of a member of the National Guard, in which he served on full-time duty satisfactorily), as determined by the Secretary of the Air Force.

(b) This section applies to—

(1) warrant officers of the Air Force;

(2) enlisted members of the Regular Air Force; and

(3) reserve enlisted members of the Air Force who, at the time of retirement, are serving on active duty (or, in the case of members of the National Guard, on full-time duty).

(Aug. 10, 1956, ch. 1041, 70A Stat. 555; Sept. 2, 1958, P.L. 85-861, § 1(198A), 72 Stat. 1541; P.L. 98-525, § 553(c), Oct. 19, 1984, 98 Stat. 2528; Dec. 4, 1987, P.L. 100-180, § 512(c), 101 Stat. 1090.)

§ 8965. Restoration to former grade: retired warrant officers and enlisted members

Each retired warrant officer or enlisted member of the Air Force who has been advanced on the retired list to a higher commissioned grade under section 8964 of this title, and who applies to the Secretary of the Air Force within three months after his advancement, shall, if the Secretary approves, be restored on the retired list to his former warrant-officer or enlisted status, as the case may be.

(Aug. 10, 1956, ch. 1041, 70A Stat. 555; Dec. 4, 1987, P.L. 100-180, § 512(d)(3), 101 Stat. 1090.)

§ 8966. Retired lists

(a) The Secretary of the Air Force shall maintain a retired list containing the name of each retired commissioned officer of the Regular Air Force.

(b) The Secretary shall maintain a retired list containing the name of—

(1) each person entitled to retired pay under any law providing retired pay for commissioned officers of the Air Force, other than of the Regular Air Force; and

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## CHAPTER 869—RETIRED GRADE

- Sec.  
 8961. General rule.  
 8962. Higher grade for service in special positions.  
 8963. Highest grade held satisfactorily: Reserve enlisted members reduced in grade not as a result of the member's misconduct.  
 8964. Higher grade after 30 years of service: warrant officers and enlisted members  
 8965. Restoration to former grade: retired warrant officers and enlisted members.  
 8966. Retired lists.

## § 8961. General rule

(a) The retired grade of a regular commissioned officer of the Air Force who retires other than for physical disability, and the retired grade of a reserve commissioned officer of the Air Force who retires other than for physical disability or for nonregular service under chapter 1223 of this title, is determined under section 1370 of this title.

(b) Unless entitled to a higher retired grade under some other provision of law, a Regular or Reserve of the Air Force not covered by subsection (a) who retires other than for physical disability retires in the regular or reserve grade that he holds on the date of his retirement.

(Aug. 10, 1956, ch. 1041, 70A Stat. 554; Dec. 12, 1980, P.L. 96-513, § 504(19), 94 Stat. 2917; Oct. 5, 1894, P.L. 103-337, § 1674(c)(2), 108 Stat. 3016.)

## § 8962. Higher grade for service in special positions

Upon retirement, any permanent professor of the United States Air Force Academy whose grade is below brigadier general, and whose service as such a professor has been long and distinguished, may, in the discretion of the President, be retired in the grade of brigadier general.

(Aug. 10, 1956, ch. 1041, 70A Stat. 554; Sept. 2, 1958, P.L. 85-861, § 1(197), 72 Stat. 1541; Oct. 22, 1966, P.L. 89-288, § 6, 79 Stat. 1050; Sept. 8, 1980, P.L. 96-343, § 13(b)(1), (2), 94 Stat. 1131; Dec. 12, 1980, P.L. 96-513, § 504(20), 94 Stat. 2917; Feb. 10, 1996, P.L. 104-106, § 502(c)-(d)(1), 110 Stat. 293.)

## § 8983. Highest grade held satisfactorily: Reserve enlisted members reduced in grade not as a result of the member's misconduct

(a) A Reserve enlisted member of the Air Force described in subsection (b) who is retired under section 8914 of this title shall be retired in the highest enlisted grade in which the member served on active duty satisfactorily (or, in the case of a member of the National Guard, in which the member served on full-time National Guard duty satisfactorily), as determined by the Secretary of the Air Force.

(b) *This* section applies to a Reserve enlisted member who—

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(1) at the time in the case of a member of the National Guard who is retired in the highest enlisted grade held satisfactorily.

(2) was previously retired as a result of the action of the Secretary of the Air Force.

(c) *This* section applies to members who are retired under section 8914 of this title.

(Added P.L. 104-201, § 532(c)(1).

## § 8964. Higher grade after 30 years of service: warrant officers and enlisted members

(a) Each retired warrant officer or enlisted member who is retired with 30 years of service, to be retired in the highest grade in which he served on full-time duty satisfactorily.

(b) *This* section applies to—  
 (1) warrant officers and enlisted members of the Air Force.  
 (2) enlisted members of the Air Force who are retired in the time of retirement of members of the Air Force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 554; Dec. 12, 1980, P.L. 96-513, § 504(c), Oct. 19, 1956, ch. 1041, 70A Stat. 554.)

## § 8966. Restoration to former grade: retired warrant officers and enlisted members

Each retired warrant officer or enlisted member of the Air Force who has been retired in a grade lower than the grade in which he served on active duty shall, if he is retired in the highest grade in which he served on active duty, be restored to his former grade in the case of a member of the Air Force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 554.)

## § 8966. Retired lists

(a) The Secretary of the Air Force shall maintain a list containing the names of all members of the Regular Air Force.

(b) The Secretary of the Air Force shall—

(1) each year publish a list of retired members of the Air Force, other than of the

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**ENLISTMENT AGREEMENT - PRIOR SERVICE/ACTIVE USAFR/ANG-UNITED STATES AIR FORCE**  
(THIS FORM IS SUBJECT TO THE PRIVACY ACT OF 1974 - USE BLANKET PAS - AF FORM 883)

ANNEX A TO DD FORM 4  
(see instructions on reverse)

**TERMS OF ENLISTMENT AGREEMENT**

**A. TERM OF ENLISTMENT/ENLISTMENT PAY GRADE.** My enlistment in the Regular Air Force (RegAF) is for 4 years of active duty. I have been counseled on the six-year enlistment program and enlistment grade policy. I am enlisting in pay grade E-7. I have no claim to a higher grade. I understand my entitlement to further promotions will be in accordance with regulations in effect at the time of my eligibility for promotion and provisions do not exist to accelerate promotion due to my prior service or the number of years I am enlisting for. (S)

**B. DATE OF RANK (DOR).** If I am enlisting for retraining, have never served in the RegAF, or have been separated from the RegAF for more than four years, I understand my DOR is my date of enlistment in the RegAF. If my last Regular component service was the RegAF and I am enlisting for directed duty assignment in the same pay grade I was separated from the RegAF, within our years of my date of separation (DOS) from the RegAF, I may be eligible for a DOR adjustment as prescribed by appropriate directives.

**C. DIRECTED DUTY ASSIGNMENT.** I am enlisting for direct duty in Air Force Specialty (AFS) [redacted] with first assignment to [redacted].

**D. RETRAINING.** I am enlisting for [redacted] retraining in Air Force Specialty (AFS) [redacted] with first regular duty assignment to [redacted]. My former specialty will be awarded as my initial Primary AFSC at the appropriate skill level if it is a current AFS. If I fail to complete the required training, I have voided this agreement in regard to Air Force specialty and assignment and will either be reclassified into another job based on the needs of the Air Force, or separated. I agree to accept the results of reclassification/retention action taken at the training center (if formal retraining) or at my initial assignment (if on-the-job retraining). If attending a formal training course, I may not terminate advance leave by early reporting to the training center, and leave will only be granted during formal training for emergencies verified through the American Red Cross. ( )

**E. APPLICANT INFORMATION.** I have received an Applicant Information Pamphlet, which I have read. I have requested 0 days advance leave. I may not apply for assignment in any previous skill or for retraining into another AFS until I have completed 36 months service if I am a 4-year enlistee or 60 months service if I am a 6-year enlistee. I understand I could be assigned to any or all of the tasks within my specialty. I also understand the intent of the Air Force is to retain me in my specialty for my complete enlistment, however, Air Force needs come first, and, in the event of mission changer, Air Force-wide conversions in my skill, disqualification from my skill, or any other Air Force requirements, the Air Force cannot guarantee tenure in my AFS. If I am a non-US citizen, I understand I must attain US citizenship to be eligible for reenlistment. I understand my Home of Record as recorded on DD Form 4 cannot be changed while I am in the Air Force. My failure to maintain Air Force standards, or to perform assigned duties (including, but not limited to security, operation, or firing of weapons) may result in involuntary separation or other appropriate action. [redacted]

**F. BROKEN SERVICE SELECTIVE REENLISTMENT BONUS (BSSRB). (Prior RegAF Only)** I understand that, not earlier than 90 days after arrival at my duty station, I will be authorized payment as prescribed in my Applicant Information Pamphlet of BSSRB Zone [redacted] in the amount determined by multiplying my basic pay, at time of separation from active duty in the RegAF, by the term of this enlistment (reduced by unfulfilled active service obligation from prior RegAF enlistment and by new obligated active service exceeding 16 years TAFMS) times (X) Selective Reenlistment Bonus (SRB) multiple [redacted], times (X) a fraction (1/2 if Regular Air Force enlistment occurs prior to 2d anniversary of DOS, 1/4 if prior to 4th anniversary of DOS). I further understand and agree, as defined by the DOD Military Pay and Allowance Entitlements Manual, that should I voluntarily or involuntarily not complete the term of obligated service for which this bonus is paid, or should I not maintain qualification in the bonus AFSC, I may be required to repay the unearned portion of the bonus. In the event any administrative action is initiated by me or the Air Force that could result in the need to recoup bonus payments, I consent to the withholding of a portion of my current pay in anticipation of that indebtedness. Such held pay shall be paid to me if it is later determined that recoupment is not required. Entitlement to this bonus is based on my certification that, (1) upon separation from the RegAF, I was fully qualified in AFSC [redacted] and was performing duty in this AFSC, and, (2) I have not previously received an SRB for the BSSRB Zone (either A, B, or C) I am enlisting for. I understand public law prohibits bonus payment (SRB and BSSRB) more than once within each zone of eligibility.

(Signature) \_\_\_\_\_

G. REMARKS: NONE (S)

**ACKNOWLEDGMENT AND REVIEW ON DATE OF ENLISTMENT**

This is my official agreement with the United States Air Force, and lists all promises guaranteed to me by any Air Force representative in regard to enlistment grade, job, training, assignment, future promotions, and all other personnel actions. On the day of my enlistment and prior to taking the oath of enlistment, I have carefully reviewed this form and all other documents. I fully understand that ANY PROMISE MADE BY ANYONE (ORAL or WRITTEN) TO ME THAT IS NOT IDENTIFIED ON THIS FORM WILL NOT BE HONORED BY THE AIR FORCE. My initials in paragraphs that apply to me and my signature below constitutes my UNDERSTANDING AND ACCEPTANCE OF THIS ENLISTMENT AGREEMENT. (S)

DATE	NAME (Last, First, Middle Initial) AND SSN OF APPLICANT	SIGNATURE OF APPLICANT
950911	[redacted]	[redacted]

**VERIFICATION BY USAF REPRESENTATIVE ON DATE OF ENLISTMENT**

On the date of applicant's enlistment, I discussed each applicable entry on this form with the applicant. I have personally verified that enlistee meets the requirements for enlistment options chosen.

DATE	NAME AND GRADE OF USAF REPRESENTATIVE	SIGNATURE OF
950911	[redacted]	[redacted]