

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NO: 98-02435

COUNSEL: NONE

FEB 19 1999

HEARING DESIRED: NO

Applicant requests that his records be corrected to authorize entitlement to Reserve retired pay. 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 Ms. Martha Maust, Mr. Jackson A. Hauslein, and Ms. Ann L. Heidig considered this application on 14 January 1999 in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.

Martha Maust
MARTHA MAUST'
Panel Chair

Exhibits:

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



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR RESERVE PERSONNEL CENTER

SEP 28 1998

MEMORANDUM FOR AFBCMR

FROM: HQ ARPC/DP
6760 E Irvington PL #1500
Denver, CO 80280-1500

SUBJECT: Application for Correction of Military Record,

- [REDACTED]
1. The requested correction cannot be administratively accomplished at this headquarters.
 2. Applicant is requesting that his record be corrected to authorize entitlement to Reserve retired pay under the provisions of Title 10, United States Code (U.S.C.), Section 12731. He claims that:
 - a. He served 15 years on active duty as a commissioned officer, plus 4 years at the [REDACTED] (USAFA).
 - b. He was informed that if he completed 5 years of Reserve duty, he would be eligible, upon reaching age 60, for retirement benefits.
 - c. Over the years he repeatedly contacted the Air Reserves and was assured this was still the case with no restrictions or other conditions.
 - d. On 3 February 1998, he began a search for an assignment to active Reserve duty. He contacted over 18 responsible and command level Air Reserve offices and secured an MA assignment. In contacting these offices he repeatedly asked the question as to his status. He was never told until final processing on 27 April that he was ineligible to serve and thus would not be able to qualify for retirement benefits upon attainment of age 60.

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e. If he had been informed during his inquiries that he had to complete his service prior to his Mandatory Separation Date, he would have done so.

f. He was placed in voluntary retirement status, at some point which meant he would have to take some action to initiate this voluntary transfer, which he did not do.

3. The following is an analysis of the circumstances surrounding the case:

a. A review of applicant's master personnel record indicates that he completed 14 years 9 months and 4 days of satisfactory service as a commissioned officer in the regular Air Force. His 4 years at the United States Air Force Academy is not credible for satisfactory service.

b. [REDACTED] Mandatory Separation (MSD) of 8 July 1993 was based on the provisions of the Reserve Officer Personnel Act (ROPA) in effect at the time. ROPA mandated that officers in the grade of major who are not selected for promotion to lieutenant colonel be separated when they complete 28 years and 30 days of commissioned service. [REDACTED] was commissioned on 9 June 1965.

c. When [REDACTED] left the Air Force in 1980, he had completed 14 years, 9 months and 4 days of total active military service. However, he still had almost 13 years before his MSD to fulfill the requirements for a Reserve retirement at age 60.

d. To be eligible for a Reserve retirement at age 60, a member must complete 20 years of satisfactory service, with the last 8 qualifying years in a Reserve component. A satisfactory year of Reserve service is one in which a member earns a total of 50 points while assigned to a Reserve component. These points are earned by obtaining 35 points performing active duty or inactive duty training or by completing correspondence courses, and 15 points for being a member of the Air Force Reserve.

e. On 28 February 1988, [REDACTED] requested transfer to the retired Reserve effective 1 March 1988, by signing an AF Form 131, Application for Transfer to the Retired Reserve.

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f. Without knowing when and who [REDACTED] contacted about the possibility of earning a Reserve retirement prior to 1993, it's difficult to determine the accuracy of the information he was given. Since his MSD has already passed, there are no provisions in the law to assign him to an active Reserve position so that he can earn a Reserve retirement at age 60.

4. Recommend this application be denied. Applicant does not have 20 years of satisfactory service with the last 8 years of qualifying service in a Reserve component. He had sufficient time from the time he separated from the Air Force and prior to his MDS to complete the requirements for Reserve pay at age 60.

5. Coordination with other staff offices is not required.

6. Action official is Mr John Jiron, DSN 926-6369 or email address: jjiron@arpcmail.den.disa.mil,

Linda A. Martin

LINDA A. MARTIN, Colonel, USAF
Director of Personnel Program Management

[REDACTED]

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