RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2010-01957

XXXXXXXXXX COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His time accumulated while in the Individual Ready Reserve (IRR) and while on the Inactive Status List Reserve Section (ISLRS) be removed following his separation from active duty in 1994.

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APPLICANT CONTENDS THAT:

He had an eight-year break in service between his separation from active duty and appointment in the Air National Guard (ANG). For a large portion of that time, he was a non-participating member and received no membership points. He believes he should get those years back and be able to serve them in the ANG by adjusting his pay date and/or commissioning date. He believes counting all eight years of his time away from the military as years of commissioned service will result in an unnecessarily abbreviated career.

The applicant’s complete submission is at Exhibit A.

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STATEMENT OF FACTS:

Information extracted from the Military Personnel Data System (MilPDS) indicates the applicant is currently serving in the Air National Guard in the grade of major (O-4), with a date of rank of 2 Jun 04.

The remaining relevant facts pertaining to this application are contained in the letter prepared by the appropriate office of the Air Force, which is attached at Exhibit C.

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AIR FORCE EVALUATION:

ARPC/DPP recommends partial relief be granted. The applicant was released from the Air Force on 30 Nov 94 and assigned to the Ready Reserve until 3 Oct 98, at which time he was transferred into ISLRS, where he remained until he acquired an assignment with the ANG on 9 Sep 02. The applicant is requesting all this time be removed. Unfortunately, the time spent in the Ready Reserve (1 Dec 94 through 3 Nov 98) cannot be removed. However, in accordance with 10 USC 12683 and AFI 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*, he should have been discharged from ISLRS after three years, effective 2 Oct 01. Therefore, his record should be corrected to show a break in service from 3 Oct 01 to 8 Sep 02. His Total Federal Commissioned Service Date (TFCSD) and his Total Years Service Date (TYSD) should be changed from 3 Oct 88 to 9 Sep 89. These corrections would automatically adjust his pay date to 9 Sep 89.

A complete copy of the ARPC/DPP evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 13 Aug 10 for review and comment within 30 days. As of this date, no response has been received by this office (Exhibit D).

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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.  Sufficient relevant evidence has been presented to demonstrate the existence of an error or injustice to warrant correcting the applicant’s records to show that he was discharged from the Inactive Status List Reserve Section (ISLRS) on 2 Oct 01 and to adjust his Total Federal Commissioned Service Date (TFCSD) and Total Years Service Date (TYSD) accordingly. The applicant contends that his time in the Individual Ready Reserve (IRR) and ISLRS should not count towards his maximum allowable service as he was a non-participating member and received no membership points. However, other than his own assertions, he provides no evidence to convince us that he was denied any rights to which he was entitled; that his transfer to the IRR constitutes an error or injustice; or that he has been treated differently than others who are similarly situated. Notwithstanding the above, we note the applicant should have been automatically discharged from ISLRS after three years on 2 Oct 01, rather than 8 Sep 02, in accordance with 10 USC 12683 and AFI 36-3209. Therefore, to preclude any further injustice to the applicant, we recommend his records be corrected to the extent indicated below.

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THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to the APPLICANT be corrected to show that:

a. He was discharged from the Inactive Status List Reserve Section (ISLRS) on 2 October 2001, rather than 8 September 2002.

b. His Total Federal Commissioned Service Date (TFCSD) and Total Years Service Date (TYSD) be changed from 3 October 1988 to 9 September 1989.

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The following members of the Board considered AFBCMR Docket Number BC-2010-01957 in Executive Session on 20 Jan 10, under the provisions of AFI 36-2603:

All members voted to correct the records as recommended. The following documentary evidence was considered:

Exhibit A.  DD Form 149, dated 7 May 10.

Exhibit B.  Applicant's Master Personnel Records.

Exhibit C.  Letter, ARPC/DPP, dated 9 Aug 10, w/atchs.

Exhibit D.  Letter, SAF/MRBR, dated 13 Aug 10.