RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2016-01277

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

1.  His break in service between the date of his separation from the Regular Air Force and his entry into the Air Force Reserve be removed from his record.

2.  His DD Form 214, *Certificate of Release or Discharge from Active Duty,* be updated to add award of the Meritorious Service Medal (MSM). **(*Administratively Corrected*)**

APPLICANT CONTENDS THAT:

1.  His break in service was due to a delay in scrolling at the Office of the Secretary of Defense (SECDEF), and was through no fault of his own.

2.  The MSM he was awarded is not reflected on his DD Form 214.

The applicant’s complete submission, with attachments, is at Exhibit A.

STATEMENT OF FACTS:

The applicant initially entered the Regular Air Force on 18 Jul 09.

According to the documentation submitted by the applicant:

a.  On 28 Jul 15, he applied for transfer to the Ready Reserve.

b.  On 29 Sep 15, he was awarded the MSM for meritorious service during the period 22 Jul 13 through 15 Oct 15.

On 15 Oct 15, the applicant was furnished an honorable discharge, and was credited with 6 years, 2 months, and 28 days of active service.

Under PC-00253, dated 9 Dec 15, the applicant was appointed into the Selected Reserve, effective 19 Oct 15.

On 26 May 16, the applicant’s DD Form 214 was corrected to add the MSM.

The remaining relevant facts pertaining to this application are contained in the memorandum prepared by the Air Force office of primary responsibility (OPR), which is attached at Exhibit C.

AIR FORCE EVALUATION:

ARPC/DPAR recommends approval indicating there is evidence of an error or an injustice. In accordance with Deputy Secretary of Defense Memorandum, dated 2 May 05, all military officer appointments under Section 12203 of Title 10, United States Code (USC), not previously approved by 30 June 05, shall be submitted to the Secretary of Defense. However, due to a delay in processing of Nominee Package 564 at SECDEF level, the applicant incurred a break in service between applicant’s DOS of 15 Oct 15 and appointment date into the Air Force Reserve of 19 Oct 15. Current policies do not allow for backdating oaths; however, SAF/GCM and the AFBCMR have determined the AFBCMR has the authority to adjust the DOS for these officers to prevent a break in service. OSD General Counsel determined the appointment date is the date the Secretary of Defense approves the appointment or the date the oath was administered, whichever is later. The applicant was granted appointment in accordance with the Office of Secretary of Defense directive. ARPC/DPAR recommends approval of the applicant’s request to reflect no break in service.

A complete copy of the ARPC/DPAR evaluation, with attachments, is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 26 Jan 17 for review and comment within 30 days (Exhibit D). As of this date, no response has been received by this office.

THE BOARD CONCLUDES THAT:

1.  The applicant has exhausted all remedies provided by existing law or regulations.

2.  The application was timely filed.

3.  Sufficient relevant evidence has been presented to demonstrate the existence of an error or injustice. We took notice of the applicant's complete submission in judging the merits of the case and agree with the opinion and recommendation of ARPC/DPAR and adopt its rationale as the basis for our conclusion the applicant has been the victim of an error or injustice. Therefore, we recommend the applicant's records be corrected as indicated below.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to the APPLICANT be corrected to show he was not released from active duty on 15 October 2015, but on that date, he continued to serve on active duty until 18 October 2015, at which time he was released from active duty and transferred to the Air Force Reserve, effective 19 October 2015.

The following members of the Board considered AFBCMR Docket Number BC-2016-01277 in Executive Session on 22 Jun 17 under the provisions of AFI 36-2603:

Panel Chair

Member

Member

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

Exhibit A.  DD Form 149, dated 22 Mar 16, w/atchs.

Exhibit B.  Applicant's Master Personnel Records.

Exhibit C.  Memorandum, ARPC/DPAR, dated 26 May 16, w/atchs.

Exhibit D.  Letter, SAF/MRBR, dated 26 Jan 17.

Pursuant to paragraph 1 of AFI 36-2603 (Title 32 Code of Federal Regulations, Part 865.1), it is certified that a quorum was present at the Board's review and deliberations, and the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.