RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2016-01982

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His break-in-service during the period 1 May 15 through 2 Jun 15 be eliminated from his record.

APPLICANT CONTENDS THAT:

Through no fault of his own, the scrolling process was not completed prior to his date of separation (DOS), causing him to incur a break-in-service.

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

STATEMENT OF FACTS:

The applicant initially entered the Regular Air Force on 11 Nov 02.

On 30 Apr 15, the applicant was furnished an honorable discharge, and was credited with 12 years, 5 months, and 20 days of active service.

Under Reserve Appointment Order PC-00164, dated 19 Nov 15, the applicant was appointed into the AF Reserve in the grade of major (0-4), effective 3 Jun 15.

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 granting, indicating there is evidence of an error or an injustice. Due to a delay in processing Nominee Package 521 at the SECDEF level, the applicant incurred a break-in-service between his DOS from active duty and appointment into the Air Force Reserve. In accordance with Deputy SECDEF Memo, dated 2 May 05, all military officer appointments under Title 10, United States Code (USC), § 12203 not previously approved by 30 Jun 05, shall be submitted to the SECDEF. Current policies do not allow for backdating oaths; however, SAF/GCM and the AFBCMR has 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 SECDEF approves the appointment or the date the oath was administered, whichever is later. The applicant was granted appointment in accordance with the SECDEF directive.

ARPC has found no administrative error and concludes the break-in-service was no fault of the applicant.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 8 Mar 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 30 April 2015, but on that date, he continued to serve on active duty until 2 June 2015, at which time he was released from active duty and transferred to the Air Force Reserve, effective 3 June 2015.

The following members of the Board considered AFBCMR Docket Number BC-2016-01982 in Executive Session on 22 Aug 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 15 Apr 16, w/atchs.

Exhibit B.  Applicant's Master Personnel Records.

Exhibit C.  Memorandum, ARPC/DPAR, dated 3 Aug 16.

Exhibit D.  Letter, SAF/MRBR, dated 8 Mar 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.