RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2009-03362

 XXXXXXX COUNSEL: NONE

 HEARING DESIRED: NO

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APPLICANT REQUESTS THAT:

His records be corrected to show his retention/retirement (R/R) year (23 Apr 07 through 22 Apr 08) was a satisfactory year of Federal service.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APPLICANT CONTENDS THAT:

A delay in his enlistment into the XXXXX Air National Guard (ANG) prevented him from attending Unit Training Assemblies (UTA) during the months of Jan, Feb, and Mar 2008. Due to the delay, he was unable to attain the 50 points required for a satisfactory year of service. He made up the missed drill periods, but was unable to do so prior to the close-out of his R/R year.

In support of his request, the applicant provides copies of his point credit summary, NGB Form 22, *National Guard Bureau Report of Separation and Record of Service,* DD Form 4/1, *Enlistment/ Reenlistment Document Armed Forces of the United States,* AF Form 1288, *Application for Ready Reserve Assignment,* and NGB Forms 105M, *Authorization for Inactive Duty Training (IDT).*

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

STATEMENT OF FACTS:

The applicant’s military personnel records indicate he enlisted in the XXXXX ANG on 23 Apr 92 and was progressively promoted to the grade of technical sergeant (E-6), effective and with a date of rank of 1 Nov 03.

On 2 Jan 08, the applicant initiated an AF Form 1288, *Application for Reserve Assignment,* which was approved by his XXXXX ANG commander the same day.

On 13 Feb 08, a recruiter with the XXXXX ANG endorsed the AF Form 1288, indicating the applicant’s pending assignment to a valid unit manning document (UMD) position within the Wisconsin ANG.

On 6 Apr 08, the applicant enlisted in the XXXXX ANG in the grade of technical sergeant (E-6) and was subsequently administratively demoted to the grade of staff sergeant, with a date of rank of 1 Aug 98.

Information extracted from the Military Personnel Data System (MilPDS) indicates the applicant performed inactive duty training on 6 Apr 08 and 13 Apr 08. On 22 Apr 08, the R/R year in question closed out and the applicant was credited with 44 retirement points (3 active duty, 26 inactive duty training, and 15 membership points), which did not constitute a satisfactory year of Federal service.

In accordance with DoD Instruction 1215.07, *Service Credit for Reserve Retirement,* a qualifying year of service for nonregular retired pay is a full year during which a Regular or Reserve member is credited with a minimum of 50 retirement points.

As of 10 Jan 11, the applicant has been credited with 17 years of satisfactory Federal service.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 an error or injustice. The applicant contends that a delay in his enlistment into the XXXXX Air National Guard (ANG) prevented him from attaining a satisfactory year of Federal service during the retention/ retirement (R/R) year closing 22 Apr 08. After a thorough review of the evidence of record and the applicant’s complete submission, we are not persuaded he has been the victim of an error or injustice. While it is apparent there was a delay in his enlistment into the XXXXX ANG between Feb and Apr 08, we are not convinced that he exercised due diligence in effectively managing his participation during the R/R year in question. In this respect, we note that at the time of his departure from the XXXXXX ANG, he had only performed three of the required 15 days of his annual Active Duty for Training (ADT) requirement. While it is conceivable the subsequent delay in his enlistment into the XXXXX ANG limited his ability to complete his participation requirements, such a delay would not have been a significant factor if the applicant had only completed his ADT requirements during the two-thirds of the R/R year prior to departing the XXXXX ANG. Additionally, he has provided no evidence to indicate he was somehow precluded from earning the six points he needed during the period between his enlistment on 6 Apr 08, and the close-out of the R/R year on 22 Apr 08. Therefore, in the absence of evidence to the contrary, we find no basis to recommend the relief sought in this application.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of material error or injustice; the application was denied without a personal appearance; and the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The following members of the Board considered AFBCMR Docket Number BC-2009-03362 in Executive Session on 27 Jan 11, under the provisions of AFI 36-2603:

The following documentary evidence was considered:

    Exhibit A. DD Form 149, dated 27 Aug 09, w/atchs.

 Exhibit B. Applicant's Master Personnel Records.