RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2010-03193

XXXXXXX COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His current reenlistment date of 29 Jul 08 be changed to a later date so that he may be paid a selective reenlistment bonus (SRB).

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APPLICANT CONTENDS THAT:

He reenlisted in Jul 08 not knowing that he would be eligible for an SRB in accordance with the SRB list which was published in Sep 08. He reenlisted in order to obtain retainability for a permanent change of station (PCS) assignment. He decided to reenlist early so he could start his paperwork for the PCS, although he could have chosen to reenlist at a later date, which would have qualified him for the SRB. Due to reenlisting without knowledge the SRB listing was coming out in Sep 08, he missed out on a 3.0 SRB.

In support of his appeal, the applicant provides an expanded statement and copies of his DD Form 4, *Enlistment/Reenlistment Document;* AF Form 901, *Reenlistment Eligibility Annex to DD Form 4;* and AF Form 899, *Request and Authorization for Permanent Change of Station – Military.*

The applicant’s complete submission, with attachments, 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 on active duty in the grade of staff sergeant (E-5). He enlisted in the Regular Air Force on 30 Mar 04 and has continually served on active duty, entering his most recent enlistment on 29 Jul 08, when he reenlisted for four years and eight months.

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

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AIR FORCE EVALUATION:

AFPC/DPSOA recommends denial, indicating there is no evidence of an error or injustice. The applicant reenlisted on 29 Jul 08 for four years and eight months in order to obtain retainability for a PCS move. He chose to reenlist at this time and was not eligible for an SRB. On 12 Sep 08, the Air Staff issued a notification indicating the SRB list was changing effective 15 Sep 08. The applicant’s job skill was on the new list; however, the AFPC/DPS implementation memorandum clearly states that changes to the list were effective on 15 Sep 08. The applicant was not eligible as any reenlistment or extension executed prior to the release of the 12 Sep 08 AF/A1 message was valid and remains firm. No provisions were authorized to grandfather any reenlistment/extension under the new guidance.

A complete copy of the AFPC/DPSOA 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 5 Nov 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 timely filed.

3.  Insufficient relevant evidence has been presented to demonstrate the existence of an error or injustice. 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 opinions appear to be based on the evidence of record and have not been adequately rebutted by the applicant. Absent persuasive evidence the applicant was denied rights to which he was entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

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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.

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The following members of the Board considered AFBCMR Docket Number BC-2010-03193 in Executive Session on 13 Apr 11, under the provisions of AFI 36-2603:

The following documentary evidence was considered:

Exhibit A.  DD Form 149, dated 26 Aug 10, w/atchs.

Exhibit B.  Applicant's Master Personnel Records.

Exhibit C.  Letter, AFPC/DPSOA, dated 4 Oct 10.

Exhibit D.  Letter, SAF/MRBR, dated 5 Nov 10.