

## **ADDENDUM TO RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2017-02887

XXXXXXXXXXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** NOT INDICATED

### **APPLICANT'S REQUEST**

The Board reconsider his request to have his retirement pay re-calculated at age 62.

### **RESUME OF THE CASE**

The applicant is a retired Air Force master sergeant (E-7).

On 4 Sep 18, the Board considered and denied his request re-calculate his retirement pay at age 62 to account for service performed as a Temporary Early Retirement Authority (TERA) retiree, finding the applicant had provided insufficient evidence of an error or injustice to justify relief. The Board concurred with the advisory opinion which stated the NDAA required members retiring under TERA to register in advance of the projected retirement date on the Public and Community Service (PACS) Registry maintained under Title 10, United States Code, Section 1143a. The law allowed no provision to retroactively register. Applicants were required to submit proof of public/community service to the Defense Manpower Data Center (DMDC) no later than one year after they would have attained 20 years Total Active Federal Military Service, had they been on continuous active duty. The DMDC has no record that the applicant registered under PACS. Additionally, the prior request was not timely submitted.

For an accounting of the applicant's original request and the rationale of the earlier decision, see the AFBCMR Letter and Record of Proceedings at Exhibit E.

On 26 Oct 22, the applicant requested reconsideration of his request to re-calculate his retirement pay at age 62. He again contends his record is in error as it did not include his qualified public/community service. The injustice occurred at age 62 when the Defense Finance and Accounting Service (DFAS) did not re-compute his retirement pay per Fiscal Year 1993 (FY93) National Defense Authorization Act (NDAA), Section 4464. In support of his reconsideration request, the applicant submitted the following new evidence: (1) Personal/Professional Resume; (2) Pastor's Recommendation, Atlantic Baptist Bible College, dated 7 Jul 95; (3) Certificate of Appreciation, Parent Teachers Organization Evangel Christian School, dated 13 Oct 95; and (4) Supporting photographs.

The applicant's complete submission is at Exhibit F.

### **FINDINGS AND CONCLUSION**

1. The application was timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.

3. After reviewing all Exhibits, the Board remains unconvinced the evidence presented demonstrates an error or injustice. Furthermore, the Board considered the new evidence submitted by the applicant; however, it is not sufficient to overturn the previous Board's decision. The applicant did not apply to the PACS registry, by the established suspense, as required by law. Therefore, the Board recommends against correcting the applicant's records.

4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

## **RECOMMENDATION**

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

## **CERTIFICATION**

The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2017-02887 in Executive Session on 31 Aug 23:

, Panel Chair  
, Panel Member  
, Panel Member

All members voted against correcting the record. The panel considered the following:

Exhibit E: Record of Proceedings, w/ Exhibits A-D, dated 8 Oct 18.  
Exhibit F: Application, DD Form 149, w/atchs, dated 26 Oct 22.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

**X**

---

Board Operations Manager, AFBCMR