

SECOND ADDENDUM TO RECORD OF PROCEEDINGS

IN THE MATTER OF:

XXXXXXXXXXXXXX

DOCKET NUMBER: BC-2017-03960-3

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

The Board reconsider his case and allow him to qualify for a non-regular Reserve retirement.

RESUME OF THE CASE

The applicant is a former Air Force Reserve (AFR) lieutenant colonel (O-5) who was discharged on 10 Mar 17 with a general service characterization.

On 16 May 18, the Board considered and denied the applicant's request to credit him with three years of AFR service time. The Board agreed with the rationale and recommendation of ARPC/DPTS that the supporting documents provided by the applicant were problematic and appeared to be fraudulent. ARPC/DPTS also indicated the AF Forms 40A, *Record of Individual Inactive Duty Training (IDT)*, were not certified as worked by the certifying official.

In the original case, the advisory provided by ARPC/DPTS, dated 8 Dec 17, included a service history dated 18 Nov 17 which shows the applicant had 19 years of satisfactory service towards retirement. In this advisory opinion, it is noted in the facts/analysis section that on 3 Nov 15, the applicant's USAF Reserve points were removed from the Military Personnel Delivery System (MilPDS) by HQ/ARPC Points Management by the direction of RMG/DP due to false official statements and fraud by the applicant.

On 4 Nov 20, the Board reconsidered and denied the applicant's request to credit him with three years of AFR service time. The Board remained unconvinced the evidence presented demonstrated an error or injustice and found a preponderance of the evidence did not substantiate the applicant's contentions.

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

On 4 Mar 22, the applicant requested reconsideration of his case requesting he be given a non-regular Reserve retirement. He is no longer asking that his three years of time missing from his records be reinstated but he be allowed to retire with 20 years of satisfactory service. In support of his reconsideration request, the applicant submitted the following new evidence; his Officer Performance Report (OPR) for the period of 1 Mar 11 through 29 Feb 12 and his promotion recommendation which both show his duties and travel status as being in a military status; and

his Reserve Retirement Single Uniform Request Format (SURF), dated 8 Oct 13 and his Report on Individual Personnel SURF, dated 21 Feb 12 which both show he was retirement eligible.

The applicant's complete submission is at Exhibit I.

APPLICABLE AUTHORITY/GUIDANCE

DoDI 1215.07, *Service Credit for Reserve Retirement*, Section 3, paragraph 3.1.a. - Pursuant to Chapter 1223 of Title 10, U.S.C., a qualifying year of creditable service toward a non-regular retirement is a full-year, as described in paragraphs 3.1.b. and 3.1.c., *Establishing and Adjusting Anniversary Years*, during which a member of an Active Component (AC) or Reserve Component (RC) is credited with at least 50 retirement points. Accumulating 20 such years, except as otherwise provided by law, is one requirement necessary to qualify for non-regular retired pay.

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. The Board reviewed the new evidence submitted by the applicant; however, it is not sufficient to overturn the previous Board's decision. The evidence submitted predated the administrative action that was taken to remove his retirement points due to his misconduct; leaving the applicant with 19 years of satisfactory service instead of the required 20 years for a non-regular retirement. The Board found that the administrative action to remove the retirement points was not in error or unjust. Therefore, the Board recommends against correcting the applicant's records.

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 Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2017-03960-3 in Executive Session on 10 Jan 23 and 2 Feb 23:

- , Panel Chair
- , Panel Member
- , Panel Member

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

Exhibit H: Addendum Record of Proceedings, w/ Exhibits A-G, dated 14 Dec 20.

Exhibit I: Application, DD Form 149, w/atchs, dated 4 Mar 22.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.

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Board Operations Manager, AFBCMR