



Work-Product

**UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS**

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-01587

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

1. She be paid overseas entitlements for her 2007 deployment.
2. She be paid the difference between the grade of senior airman (E-4) and staff sergeant (E-5) for her 2007 deployment, including base pay, Basic Allowance for Subsistence (BAS), Basic Allowance for Housing (BAH), and Sea Pay.
3. By amendment on 17 Mar 25, the applicant requested her DD Form 214, *Certificate of Release or Discharge From Active Duty*, issued 28 Oct 16, be amended in Item 12g., Sea Service, to reflect her 2007 deployment time.

APPLICANT'S CONTENTIONS

While she was a member of the Air National Guard in 2007, she deployed on a Naval ship but was not paid entitlements, such as hostile/hardship/combat zone tax exclusion (CZTE) pay. A representative from the Defense Finance and Accounting Service (DFAS) stated an audit of her records determined she has not been paid the entitlements. Additionally, her DD Form 214 was corrected, and she should have been paid at the grade of E-5, not E-4. The delay in her application is due to her waiting for the Congressional submission to run its course.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a permanently disability retired Air Force technical sergeant (E-6).

On 19 Nov 90, according to DD Form 214, the applicant was released from active duty (Navy) and transferred to the Naval Reserve. Her grade reflects E-4.

On 21 Oct 06, according to Special Order Work-Pro... dated 23 Oct 06, the applicant enlisted in the Air National Guard (ANG) for 6 years at the grade of E-4 and her date of rank reflects 30 Aug 02.

On 5 Nov 07, the applicant was issued a DD Form 214 for the period of 7 Jun 07 to 5 Nov 07 in support of Operation ENDURING FREEDOM. Her pay grade reflects E-5 with an effective date of 30 Aug 02. Item 12.g., Sea Service reflects 4 months.

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According to AF Form 104, *Service Medal Award Verification*, dated 6 Nov 07, the applicant was awarded the Navy and Marine Corps Sea Deployment Ribbon, effective 16 Oct 07, and the Meritorious Unit Commendation.

According to NavPers 1070/613, *Administrative Remarks*, dated 17 Oct 07, provided by the applicant, it was certified the applicant embarked onboard a United States Merchant Marine Vessel from 12 Jun 07 to 16 Oct 07, and was entitled to Sea Pay for the entire period and Imminent Danger Pay (IDP) for 22 to 28 Aug 07 and 1 to 8 Sep 07.

According to Special Order **Work-Product**, dated 7 Jan 09, the applicant was awarded the Air Force Commendation Medal for the period of 15 Jun 07 to 15 Oct 07. Her grade reflects E-4.

According to the Military Personnel Data System (MILPDS), the applicant's grade history reflects the following:

GRADE	DATE OF RANK	EFFECTIVE DATE
Technical Sergeant/E-6	1-Jan-10	1-Jan-10
Staff Sergeant/E-5	1-Jan-08	1-Jan-08
Senior Airman/E-4	30-Aug-02	30-Aug-02
Staff Sergeant/E-5	30-Aug-02	30-Aug-02

On 28 Oct 16, the applicant was relieved from active duty, and on 29 Oct 16, she was placed on the Temporary Disability Retired List (TDRL) with compensable percentage for physical disability of 80 percent and credited with 13 years, 7 months and 9 days of active service for retirement.

On 25 Jan 18, according to Special Order **Work-Product**, dated 5 Jan 18, the applicant was removed from TDRL and permanently retired with a compensable percentage of 80 percent for physical disability.

According to DFAS, the applicant's pay records do not reflect she was paid IDP in 2007, and she was paid at the grade of E-4 (Exhibit D).

For more information, see the excerpt of the applicant's record at Exhibit B and the advisories at Exhibits C, E, F, and G.

APPLICABLE AUTHORITY/GUIDANCE

Department of Defense (DoD) 7000.14, *Financial Management Regulation (FMR)*, Volume 7A specifies that entitlement to Hostile Fire Pay (HFP) or IDP can qualify a service member for the CZTE. Specifically, DoD Instruction 1340.25, *Combat Zone Tax Exclusion (CZTE)*, states that a member serving in a qualified hazardous duty area (QHDA) is treated as if it were a combat zone for tax exclusion purposes, provided the member is also entitled to HFP or IDP under 37 U.S.C. § 310. Additionally, DFAS clarifies that to receive CZTE treatment for services performed in a designated direct support area, a member must be entitled to HFP or IDP while performing service in that area. Therefore, while HFP or IDP entitlement can grant CZTE eligibility, it is not automatic; the service member must be serving in a designated combat zone, QHDA, or direct support area where such entitlements apply as listed in Table 44-1 of DoD FMR Volume 7A. The applicant's locations of deployment in 2007 (Columbia and Haiti) are not listed in Table 44-1 as Designated Direct Support Areas of a combat zone.

Title 10, United States Code, Section 1168: Discharge or release from active duty: limitation; DoDI 1336.01, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*; AFI 36-3202, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*; DD Form 214 Total Force Personnel Services Delivery Guide (PSDG). The DD Form 214 is prepared in accordance with the aforementioned publications and is used to record qualifying active duty service for a specific period. Foreign/Sea Service locations are not an authorized entry on the DD Form 214. Foreign/Sea Service is annotated in increments of years, months, and days. The PSDG directs the rank/grade on the DD Form 214 reflect the rank/grade held on the last day of active duty for the period for which the form is issued.

AIR FORCE EVALUATION

NGB/A1XR (Personnel Readiness and Mobilizations) recommends denying the application. Based on the documentation provided by the applicant and analysis of the facts, there is no evidence that the applicant was improperly compensated for her humanitarian mission duty on the USS Comfort in 2007. The applicant requests to be paid hostile fire/hardship/CZTE pay, and her records show she performed duty in Haiti and Columbia, which are not identified countries for these entitlements. She was compensated for her service in those two countries with IDP, which is appropriate for duty performed in both countries. The Internal Revenue Service (IRS) identifies qualifying factors for these entitlements in the IRS Publication 3, *Armed Forces Tax Guide*, which states "To qualify for combat-related tax benefits, you must be an eligible member who meets one of the following options with service in an area listed further below: Option 1. Service in an active combat area as designated by Executive Order; Option 2. Service in support area as designated by DoD in direct sustainment of military operations in the combat zone; Option 3. Service in a statutorily designated Qualified Hazardous Duty Area." The Recognized Combat Zones list includes the Sinai Peninsula, Afghanistan Area, Kosovo Area, and the Arabian Peninsula Area. The countries of Columbia and Haiti do not fall in any of these authorized areas. The applicant also claims she was paid in the grade of E-4 during a period of service that she was an E-5, but there is no evidence to support that claim. She attached a DD Form 214 which shows she was discharged at the grade of E-5 and has not provided any pay records or bank statements to support her claim she was paid at the grade of E-4. Her claim of being paid at the wrong grade is unfounded.

The complete advisory opinion is at Exhibit C.

NGB/A1XR recommends denying the applicant's request she be paid at the grade of E-5 rather than E-4 for her deployment in 2007. The applicant's grade history reflects her date of rank for E-5 as 1 Jan 08. The applicant returned from deployment in Nov 07. The provided DD Form 214 does display the grade E-5. It is NGB/A1XR's belief the DD Form 214 was completed after her promotion and reflected her current rank at the time the form was created. In accordance with AFI 36-3202, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*, there is no specific timeline to complete the form. Per regulation DoDI 1336.01, *Certificate of Uniformed Service (DD Form 214/5 Series)*, dated 17 Feb 22, the DD Form 214 was filled out correctly with her grade at the time of completing the form, not the grade at the time of deployment. The regulation states to utilize current data on page 12, Table 1. Due to this fact, the DD Form 214 cannot be utilized as a substantiating record used to show her grade at the time of deployment. The grade history is the appropriate substantiating record to prove pay grade/rank.

The complete advisory opinion is at Exhibit E.

NGB/A1PP (Force Management) recommends denying the applicant's request to be paid entitlements at the grade of E-5 for her deployment in 2007. The applicant asserts she received pay at the grade of E-4 but was entitled to E-5 compensation during the deployment. The DD Form 214 erroneously lists the applicant's grade at deployment as E-5. All other documentation suggests she enlisted, deployed, and attended formal training in the grade of E-4. The applicant joined the ANG at the grade of E-4 on 21 Oct 06. From 2 Jun 07 to 5 Nov 07, the applicant deployed in the grade E-4, as indicated by the orders. Furthermore, the applicant's grade history report erroneously shows the applicant as both E-5 and E-4 effective on 30 Aug 02, despite the applicant's enlistment in the ANG in 2006. NGB/A1PP could not locate a promotion order nor an AF Form 2096, *Classification/On-The-Job Training Action*, elevating the applicant to E-5 and advises the applicant to provide a promotion source document for the promotion to E-5.

The complete advisory opinion is at Exhibit F.

APPLICANT'S REVIEW OF AIR FORCE EVALUATIONS

The Board sent copies of the advisory opinions to the applicant on 3 Mar 25 for comment (Exhibit F), and the applicant replied on 17 Mar 25. In her response, the applicant refutes the advisory opinions and reiterates her contention she was paid at the wrong grade and has not been paid for the various entitlements for her 2007 deployment. She explains the medical documents she sent in with her application were for a foreign gang rape where she spent 21 days in the ICU and she believes DFAS would pay her IDP/CZTE for that month as well. When she separated from the Navy, she qualified for DT2, Dental Technician Petty Officer 2nd Class (E-5); however, she separated for 17 years. When she entered the ANG, they pulled a stripe. Based on her civilian dental ortho technician license, her chief applied for her E-5 grade while she was deployed and shortly after her return, she received the good news. She still had to attend Airman Leadership School because she was prior Navy and had just deployed with the Navy. The news articles she provided with her application and her deployment award reflect her grade as E-4 thus proving she was paid erroneously as an E-4. The applicant argues that a service member who is qualified for IDP is automatically entitled to CZTE per DoD FMR Volume 7A. The applicant also believes Item 12.g. Sea Service on her retirement DD Form 214 issued for the period 13 Oct 08 to 28 Oct 16 needs to be corrected to reflect her 2007 deployment.

The applicant's complete response is at Exhibit G.

FINDINGS AND CONCLUSION

1. The application was not timely filed. The Board also notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is not the victim of an error or injustice. The Board concurs with the rationales and recommendations of NGB/A1XR and NGB/A1PP and finds a preponderance of the evidence does not substantiate the applicant's contentions. With regard to the request for deployment entitlements, the Board notes that although the applicant was deployed aboard a U.S. Navy vessel in 2007 and performed duty in Colombia and Haiti, there is no evidence that these countries qualified as designated combat zones, qualified hazardous duty areas, or designated direct support areas as defined in DoD FMR Volume 7A,

Table 44-1, during the period in question. Accordingly, the Board finds no entitlement to CZTE, HFP, or hardship duty pay for the claimed deployment. While the applicant submitted NavPers 1070/613 certifying eligibility for Sea Pay and IDP for specific dates in 2007, the Board finds that no corroborating DFAS documentation or official pay records were provided to support that she was not appropriately compensated or that any correction is necessary.

The applicant also contends she was improperly paid at the grade of E-4 during her 2007 deployment and should have been compensated at the E-5 grade as this is the grade reflected on her DD Form 214. However, the record reflects that she enlisted in the ANG on 21 Oct 06 in the grade of E-4, and no promotion orders or substantiating documents were provided to verify her promotion to E-5 prior to or during the period of deployment. Governing instructions direct the DD Form 214 reflect the grade held on the last day of active duty for that specific period of service. Although her DD Form 214 for that period reflects the grade of E-5, it appears the form was completed after the deployment and erroneously reflects her grade at the time the document was completed, not the correct grade for the period of service. As such, the DD Form 214 alone does not constitute sufficient evidence to establish entitlement to back pay at a higher grade without supporting personnel or pay records.

Finally, regarding the applicant's request to amend the Sea Service entry (Item 12g) on her DD Form 214 for the period 13 Oct 08 to 28 Oct 16, the Board finds no basis for correction. The sea service performed in 2007 was already documented on a separate DD Form 214 covering that deployment. The applicant did not serve aboard a sea-going vessel during the period covered by the 2008 to 2016 DD Form 214, and therefore, updating this document to reflect prior sea service is not supported by regulation or practice. 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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2021-01587 in Executive Session on 24 Apr 25:

Work-Product, Panel Chair

Work-Product, Panel Member

Work-Product, Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 20 Jan 21.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, NGB/A1XR, w/atch, dated 2 May 22.
- Exhibit D: Correspondence, DFAS, w/atchs, dated 15 May 23.
- Exhibit E: Advisory Opinion, NGB/A1XR, dated 23 Feb 24.
- Exhibit F: Advisory Opinion, NGB/A1PP, w/atchs, dated 15 Nov 24.

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Exhibit G: Notification of Advisory, SAF/MRBC to Applicant, dated 3 Mar 25.
Exhibit H: Applicant's Response, w/atchs, dated 17 Mar 25.

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.

7/24/2025

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, AFBCMR

Signed by: USAF

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