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Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02069

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His retired pay grade on Reserve Order **Work-Product** be adjusted to reflect lieutenant colonel (O-5).

APPLICANT'S CONTENTIONS

In Oct 16, as an Active Guard and Reserve (AGR) Air National Guardsman (ANG), the applicant was hired to fill one of three vacant lieutenant colonel (O-5) positions as the Senior Air Defense Officer (SADO). On 1 Nov 16, the applicant began his duty with the unit, and shortly thereafter, two additional majors began duty in the remaining two positions. In Apr 17, the applicant was placed in the vacant O-5 position and his unit initiated the paperwork for promotion to lieutenant colonel (O-5). However, on 24 Aug 17, due to a processing delay outside of the applicant's control, the promotion package was received by HQ **Work-Prod...** ANG (FLANG) for federal recognition. In May 18, the applicant received promotion orders confirming his promotion to lieutenant colonel (O-5) with a Date of Rank (DOR) of 24 Aug 18 and an effective date of 17 Aug 18. Prior to selecting a retirement date of 1 Oct 20, the applicant inquired and was told to plan his retirement date based off the 24 Aug 17 DOR. After two months of terminal leave, and within one month of his retirement date, the applicant was notified that he would retire in the grade of major (O-4) because he did not complete the thirty-six month time in in grade (TIG) requirement to retire as a lieutenant colonel (O-5). The applicant's commander submitted a memorandum for record confirming the Commander Support Staff incorrectly recommended the applicant select 1 Oct 20 retirement date. Furthermore, the commander stated had the oversight been discovered prior to the applicant's departure for terminal leave and the start of his civilian job, he would have extended the retirement date to ensure the applicant completed the full thirty-six month TIG requirement. The applicant served twenty-nine years of total service, with the final thirty-eight months as a lieutenant colonel (O-5). However, due to delays in the promotion process that were beyond his control, the applicant believes he would have served forty-eight months as a lieutenant colonel (O-5), and retired in the grade. He is requesting Reserve Order **Work-Product** be adjusted to reflect lieutenant colonel (O-5) so that he can retire in the grade.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force Reserve major (O-4).

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

POC: SAF.MRBC.Workflow@us.af.mil

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On 15 Dec 11, according to the Military Personnel Database (MilPDS) *Officer-Reserve-Grade-History-Report*, the applicant was promoted to the grade of major (O-4) with an effective date of rank of 3 May 12. It further shows that on 24 Aug 17 he was promoted to the grade of lieutenant colonel (O-5) with an effective date of rank of 17 Apr 18.

On 31 Mar 17, according to the MilPDS *ANG Officer Personnel Brief*, the applicant was assigned as the SADO at Tyndall Air Force Base.

On 29 Aug 17, according to Special Order [Work-Pro...] the applicant, upon federal recognition, was promoted to the grade of lieutenant colonel (O-5) in the FLANG with DOR of 24 Aug 17.

On 20 Apr 18, according to Special Order [Work-Pro...], submitted by the applicant, he was extended federal recognition and promoted to the Reserve grade of lieutenant colonel (O-5) with a DOR of 24 Aug 17, and an effective date of 17 Apr 18.

On 30 Sep 20, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant retired from the Air Force Reserve after twenty-nine (29) years, one (1) month, and ten days of total service; which included twenty-three years, three months, and twenty-four days of active service.

On 1 Oct 20, according to Reserve Order [Work-Product], dated 22 Jun 20, the applicant's retired pay grade reflects major (O-4), and the highest grade held on active duty reflects lieutenant colonel (O-5).

For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit C.

APPLICABLE AUTHORITY/GUIDANCE

AFI 36-3203, *Service Retirements*; paragraph 7.2. and paragraph 7.2.5. state retired grade is calculated from the effective date of promotion, and three-years TIG is required for retirement above the grade of Major. To voluntarily retire in any grade higher than Major, an officer must have satisfactorily served, as determined by the Secretary of the Air Force (SecAF) or SecAF delegee, a minimum of three-years TIG while on active duty for active duty retirements or during creditable service for ARC members retiring under 10 USC §12371, unless granted a SecAF TIG waiver.

AIR FORCE EVALUATION

ARPC/DPTT recommends denying the application to change the applicant's paygrade on his retirement Reserve Order Number [Work-Product], from major (O-4) to lieutenant colonel (O-5) as the applicant did not meet the three-year time in grade requirement for retirement in the grade of lieutenant colonel (O-5). The applicant was promoted to lieutenant colonel (O-5) with an effective date of promotion of 17 Apr 18 and voluntarily retired on 1 Oct 20, thus giving him 2 years, 5 months, and 15 days of satisfactory service in the grade of lieutenant colonel (O-5). In accordance with (IAW) Air Force Instruction (AFI) 36-3203, *Service Retirements*, dated 18 Sep 15, paragraph 7.2.5 (atch 3), "Three-year TIG requirement for retirement above the grade of Major. To voluntarily retire in any grade higher than Major, an officer must have satisfactorily served, as determined by the SecAF or SecAF delegee, a minimum of three years TIG while on active duty for active duty retirements." Additionally, IAW paragraph 7.2.2, "TIG is calculated from the

effective date of promotion.” As such, the TIG is not calculated based on when a member is placed in a billet or their Date of Rank as shown on the grade history, but on the qualifying active duty performed as of the effective date of promotion.

The complete advisory opinion is at Exhibit C.

APPLICANT’S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 6 Sep 22 for comment (Exhibit D), and the applicant replied on 4 Oct 22. In his response, the applicant states that he is not disputing the time in grade requirement. He contended the ARPC/DPTT advisory does not consider the delays in the promotion process. He reiterates that the injustice occurred when two other SADO officers, who were hired at the same time, were promoted to lieutenant colonel (O-5) an entire year prior to him and the numerous delays in his promotion process were outside of his control.

The applicant’s complete response is at Exhibit E.

ADDITIONAL AIR FORCE EVALUATION

NGB/AIPO recommends denying the application and addressed whether there were delays to the applicant’s promotion process to the grade of lieutenant colonel (O-5). To be eligible for promotion to lieutenant colonel (O-5), majors must have a Time in Grade (TIG) of seven years under Mandatory promotion processing. Through the Position Vacancy (PV) program, an officer may be nominated for promotion once they meet four years TIG. Upon being placed in a lieutenant colonel (O-5) position in April 2017 a PV promotion package was initiated and the applicant was included in a Federal Recognition Examining Board (FREB) effective 24 Aug 2017. In this regard, the timeline for processing PV promotions is approximately 6-8 months, which aligns with the dates of events provided. Furthermore, promotion effective dates for PV promotions equate to the date the Secretary of Defense signs the PV promotion scroll, which occurred on 17 Apr 2018.

Based on the documentation provided by the Applicant and analysis of the facts, there is no evidence of an error or injustice. According to AFI 36-2504, paragraph 2.5.1. “officers are not entitled to a PV promotion simply because they occupy a higher graded position” and in accordance with AFI 36-3203, paragraph 7.2.2., “TIG is calculated from the effective date of promotion.”

The complete advisory opinion is at Exhibit F.

APPLICANT’S REVIEW OF ADDITIONAL AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 15 May 23 for comment (Exhibit G), but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed.
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 rationale and recommendation of ARPC/DPTT and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board found the applicant did not complete the three-year time in grade requirement to retire in the grade of lieutenant colonel. 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 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. The Board does not find it in the interest of justice to waive the three-year filing requirement. Therefore, the Board finds the application untimely and recommends against correcting the applicant's records.

RECOMMENDATION

The Board recommends informing the applicant the application was not timely filed; it would not be in the interest of justice to excuse the delay; 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-2022-02069 in Executive Session on 23 May 23:

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 27 Jul 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, ARPC/DPTT, w/atchs, dated 30 Aug 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 6 Sep 22.
- Exhibit E: Applicant's Response, w/atchs, dated 4 Oct 22.
- Exhibit F: Advisory Opinion, NGB/AIPO, w/atchs, dated 5 May 23.
- Exhibit G: Notification of Advisory, SAF/MRBC to Applicant, dated 15 May 23.

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.

7/1/2025

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Board Operations Manager, AFBCMR
 Signed by: USAF

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