



[REDACTED]

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00970

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His Active Guard Reserve (AGR) orders, [REDACTED] and [REDACTED], be amended to reflect credit towards Reduced Retired Pay Age (RRPA).

APPLICANT'S CONTENTIONS

From May 16 to Feb 19, he was activated on headquarters (HQ) AGR orders assigning him to HQ Air Combat Command (ACC) for the purpose of assisting the active component in the preparation and administration of policy affecting the Air Force Reserve. His AGR orders cited the wrong authority which disqualifies his duty for RRPA. The authority should be Title 10 United States Code Section 10211 (10 U.S.C. § 10211) which authorizes activation for HQ duty and eligibility for RRPA, rather than 10 U.S.C. § 12310, which is excluded from this benefit, in accordance with the Fiscal Year 2008 National Defense Authorization Act (FY08 NDAA).

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force Reserve colonel (O-6) awaiting retired pay at age 60 (25 Dec 26).

On 17 May 16, according to Special Order [REDACTED], dated 7 Apr 16, the applicant was ordered to extended active duty (voluntary) in accordance with 10 U.S.C. § 12310 to HQ ACC and a date of separation of 31 May 19, unless sooner relieved.

On 24 Oct 17, according to Special Order [REDACTED], provided by the applicant, the applicant was continued on extended active duty (voluntary) and reassigned to a new position at HQ ACC in accordance with 10 U.S.C. § 12310, with a new date of separation of 31 May 19, unless sooner relieved.

On 4 Feb 19, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant was released from active duty for completion of required active service.

On 6 Aug 21, according to Reserve Order [REDACTED], dated 13 Aug 21, the applicant was placed on the Air Force Retired Reserve List.

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

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[REDACTED]

[REDACTED]

AIR FORCE EVALUATION

HAF/REP (Headquarters Air Force Reserve Personnel Policy) recommends the applicant's Special Orders [REDACTED] and [REDACTED] not be amended as the corrected activation authority was used on each of the orders. The FY08 NDAA modified 10 U.S.C. § 12731 to authorize certain duties to qualify for receipt of retired pay before age 60. The modification specifically excluded duties under 10 U.S.C. § 12310. The Chief of Air Force Reserve issued a policy authorizing certain members called to duty under 10 U.S.C § 10211 to qualify for reduced retired pay age credit. The primary qualifying factor was the member's position must participate in preparing and administering the policies and regulations affecting the Reserve component. On 6 May 15, the then Chief of the Air Force Reserve signed a memorandum for the Air Reserve Personnel Center (ARPC) Commander which cited the legal authorities to be used on AGR activation orders. This memorandum was in place during the activation orders the applicant is requesting to be amended. Paragraph 4 states the positions for which § 10211 should be cited were vetted and approved by Air Force Reserve Command Judge Advocate (AFRC/JA) and Headquarters Director of Programs and Requirements (HAF/REX). Further, on 26 Oct 16, the Chief, Plans and Integration Division (AFRC/A1R) issued a memorandum for ARPC to determine the authority for AGR orders, as directed by the Commander, Air Force Reserve Command (AFRC/CC), which is a dual-hatted position for the Chief of the Air Force Reserve (HAF/RE). Paragraph 1 states, "AFRC/A1R, in coordination with AFRC/JA, conducted a review of all AGR positions to determine which met the intent of each statute."

In the applicant's case, the positions were first vetted by HAF/REX and later reviewed by AFRC/A1R. Furthermore, positions identified as eligible for reduced retired pay were primarily in the National Capital Region (Office of the Secretary of Defense, Secretary of the Air Force, HAF/RE), HQ AFRC, HQ ARPC, and some joint agencies. No other Major Command positions outside of HQ AFRC were identified as they do not participate in preparing and administering the policies and regulations affecting the Reserve component. Therefore, changing the authority on the applicant's orders is not warranted because his positions were not responsible for developing Reserve policy.

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 17 Dec 24 for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was timely filed.
2. The applicant did not exhaust 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 HAF/REP and finds a preponderance of the evidence does not substantiate the applicant's contentions. Specifically, the applicant's duties while serving under AGR orders [REDACTED] and [REDACTED], do not qualify him for RRPA. His AGR duties were assigned at the Major Command level and the governing authority in this case is 10 U.S.C. § 12310, which does not provide eligibility for RRPA under the applicable criteria. Therefore, the Board recommends against correcting the applicant's records.

[REDACTED]

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-2024-00970 in Executive Session on 14 Jan 25 and 17 Jan 25:

[REDACTED], Panel Chair
[REDACTED], Panel Member
[REDACTED], Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 16 Mar 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, HAF/REP, dated 16 Dec 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 17 Dec 24.

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.

 Expired certificate

X

[REDACTED]

[REDACTED]
Board Operations Manager, AFBCMR
[REDACTED]