



Work-Product

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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01216

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

### APPLICANT'S REQUEST

His Personnel Accounting Symbol (PAS) Code be changed from 24X to indicate retirement.

### APPLICANT'S CONTENTIONS

He was informed by the Defense Finance and Accounting Service that he is eligible for retirement benefits. A change from distinction 24X to retirement will allow eligibility for benefits and cost-of-living allowance (COLA) increases.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a former Air Force captain (O-3).

On 27 Feb 92, according to AF Form 780, *Officer's Voluntary Application for Separation*, the applicant requested he be released from extended active duty and he receive Voluntary Separation Incentive (Annuity).

On 26 Jun 92, the applicant was honorably released from extended active duty with narrative reason for separation, "Voluntary Release/Transfer to Another Service Component for Early Release Program – Voluntary Separation Incentive" and credited with 7 years, 7 months, and 1 day of active service.

On 11 May 96, according to Reserve Order **Work-Product**, dated 17 Jun 96, the applicant was administratively transferred to the Inactive Status List Reserve Section (ISLRS) until the Voluntary Separation Incentive agreement expired.

On 14 Nov 07, according to Reserve Order **Work-Product**, dated 20 Nov 07, the applicant was relieved from the ISLRS and honorably discharged from all appointments in the USAF.

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

### APPLICABLE AUTHORITY/GUIDANCE

AFBCMR Docket Number BC-2024-01216

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Title 10 United States Code Section 12731 (10 U.S.C. § 12731), *Age and service requirements*, (a) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under Section 12739 of this title, if the person (1) has attained the eligibility age applicable under subsection (f) to that person; (2) has performed at least 20 years of service computed under Section 12732 of this title.

Per 10 U.S.C. § 12372, *Entitlement to retired pay: computation of years of service*, states service (other than active service) in an inactive section of the Organized Reserve Corps or of the Army Reserve, or in an inactive section of the officers' section of the Air Force Reserve, may not be counted when determining whether a person is entitled to retired pay under Section 12731, *Age and service requirements*.

Department of Defense Instruction (DoDI) 1215.07, *Service Credit for Non-Regular Retirement*, paragraph 3.1., *Criteria for Establishing the Service Requirement for a Satisfactory Year of Service for Non-Regular Retirement*, "...a qualifying year of service for non-regular retired pay is a full year during which a member of an Active or Reserve component is credited with a minimum of 50 retirement points. An accumulation of 20 such years, except as otherwise provided by law, is only one requirement necessary to qualify for non-regular retired pay. A partial qualifying year is any period less than 12 full months in which the retirement points credited to a service member, when computed proportionally, are equal to or greater than 50 retirement points."

## AIR FORCE EVALUATION

ARPC/DPTT (Transition Division) recommends denying the application. The applicant does not have 20 years or more of satisfactory service towards retirement as of his voluntary separation on 14 Nov 07. He served in the Air Force Reserve from 26 May 85 to 26 Jun 92 and was then released on a Voluntary Separation Incentive to be paid for the next 14 years. The applicant was discharged into the Non-Obligated Non-Participating Ready Reserve Personnel Section (NNRPS) in 1992. In 1996, he was discharged into the ISLRS until his separation in 2007. The applicant's years in NNRPS/ISLRS do not qualify as satisfactory service counting towards retirement, as he did not receive creditable years during this time. Therefore, the applicant is not eligible to receive a Reserve retirement in accordance 10 U.S.C. § 12731.

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 27 Nov 24 for comment (Exhibit D), but has received no response.

## FINDINGS AND CONCLUSION

1. The application was not timely filed. The Board 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)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence.
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 applicant applied for and received Voluntary Separation Incentive after serving 7 years, 7 months, and 1 day of active service, and does not qualify for a Regular military retirement. Furthermore, according to 10 U.S.C. § 12372, the applicant's time in the NNRPS/ISLRS does not qualify as satisfactory service counting towards a Reserve retirement, as the member did not receive creditable years during this time. Consequently, the applicant does not meet eligibility requirements for satisfactory service to qualify for a non-Regular retirement in accordance with 10 U.S.C. § 12371. 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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2024-01216 in Executive Session on 23 Jan 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, dated 1 Apr 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, ARPC/DPTT, w/atchs, dated 26 Nov 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 27 Nov 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.

5/12/2025

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Board Operations Manager, AFBCMR

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**AFBCMR Docket Number BC-2024-01216**

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