SECOND ADDENDUM TO RECORD OF PROCEEDINGS

IN THE MATTER OF: XXXXXXXXXXXX

DOCKET NUMBER: BC-2019-02580

COUNSEL: XXXXXXXXXX

HEARING REQUESTED: NOT INDICATED

APPLICANT'S REQUEST

The Air Force Board for Correction of Military Records (AFBCMR) reconsider her request to amend her official military personnel record to reflect she was not discharged on 1 Mar 17 but continued to serve on active duty in the grade of colonel.

In the alternative, amend her record to show she retired from the Air Force, with associated back pay, benefits, and entitlements, including the cost of medical insurance, and her incentive pay that was recouped be returned.

RESUME OF THE CASE

On 7 Nov 19 and 12 Nov 19, the Board considered and denied her request to: (1) be reinstated to active duty in the grade of colonel (O-6), effective and with a date of rank (DOR) of 21 May 16; (2) receive all back pay and allowances, to include the cost of medical insurance from 1 Mar 17; (3) receive credit for time in service from 1 Mar 17 to the date she is reinstated to active duty; and (4) receive additional military service credit from 25 Oct 18 to the date she is reinstated to active duty, finding there was no evidence the applicant was improperly separated from active duty in 2017. Additionally, the Board concluded reinstatement to active duty in the grade of colonel, effective and with a DOR of 21 May 16 was not warranted. Careful attention was given to the items of interest which were the basis of the United States Court of Federal Claims remand order. The Board concurred with the rationale and recommendation of AF/A1LO and found the preponderance of evidence did not substantiate the applicant's contentions. Further, the Board took note of the applicant's contention the advisory opinion was an erroneous and misleading response to the remand order, was an effort by the Air Force to retry the remanded case, and was biased and filled with inaccuracies; however, found these contentions were not sufficiently persuasive to override the rationale expressed by the Air Force office of primary responsibility. Given there was no basis to reinstate the applicant, her requests for back pay, allowances, and additional service time were not favorably considered.

On 12 Sep 20, the applicant, via counsel, submitted an application for reconsideration requesting her records be amended to reflect she was not discharged on 1 Mar 17 but continued to serve on active duty without interruption, in the grade of colonel once her May 17 promotion took legal effect. In the alternative, she be retired from the Air Force, receive all back pay, benefits, and entitlements, including the cost of medical insurance from 1 Mar 17, her recouped incentive pay be returned to her, and all other military records be amended accordingly. The applicant again contended she was provided incomplete guidance from the Air Force regarding her options to either accept her assignment or request to separate. Further, she contended the Board's previous decision was arbitrary, legally defective, and contrary to the evidence.

On 6 Oct 21 and 22 Jun 22, the Board again denied the applicant's request. After careful review of the complete evidence of record and the new documentation submitted in support of her

request for reconsideration, the Board did not find it sufficient to overturn the previous Panel's decision.

For an accounting of the applicant's original request and the rationale of the earlier decisions, see the AFBCMR Letter and Record of Proceedings at Exhibit O.

On 10 Oct 23, the United States Court of Federal Claims remanded the case, instructing the AFBCMR as follows:

1. Compile satisfactory explanations as to: (1) why the Air Force did not act on plaintiff's 12 Sep 16 and 16 Nov 16 requests to withdraw her separation according to Air Force Instruction (AFI) 36-2110, *Assignments*, paragraph 2.30.1.5. (2009); or (2) why the commander did not list the reason(s) the applicant's request to withdraw her separation were denied in accordance with AFI 36-3207, *Separating Commissioned Officers*, paragraph 2.14.4. (2004).
2. Review and consider all relevant evidence on record regarding the impact of the Air Force's failure to follow separation withdrawal procedures pursuant to AFI 36-2110 (2009) and AFI 36-3207 (2004) on plaintiff's separation date, including but not limited to the evidence the Court has found the Board decision under review did not address.
3. Identify the wing commander's rationale for failing to provide reasons under AFI 36-3207, paragraph 2.14.4. (2004) or articulate the reason the wing commander cannot be contacted.
4. Provide a complete explanation for the Board's determinations surrounding plaintiff's separation withdrawal requests.

The United States Court of Federal Claims remand order is at Exhibit P.

STATEMENT OF FACTS

The applicant is an honorably discharged Air Force lieutenant colonel (O-5).

On 15 Mar 16, according to AF/DPO email, provided by the applicant, she was notified of her assignment resulting from Round 1, 2016 Colonels Gameplan.

On 17 Mar 16, according to AF IMT 780, *Officer Separation Actions*, provided by the applicant, she tendered her resignation, requested she be released from active duty, and agreed to accept a US Air Force Reserve commission, effective 1 Jul 16, in accordance with AFI 36-3207, paragraph A6.2..

On 5 Jan 17, according to the *Action of the Secretary of the Air Force* instrument, the applicant's active duty service commitment waiver, submitted on 16 Mar 16, for separation effective 1 Dec 16, was disapproved, with a separation effective 1 Feb 17, approved, and the applicant required to reimburse the United States Government for the unearned portion of her Incentive Special Pay.

On 1 Mar 17, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant was furnished an honorable discharge, in the grade of lieutenant colonel (O-5), with Narrative Reason for Separation: Completion of Required Active Service, and credited with 17 years, 8 months, 17 days of active duty service.

APPLICABLE AUTHORITY/GUIDANCE

In accordance with AFI 36-2110, *Assignments*, dated 22 Sep 09:

2.30. *Seven Day Option*. The options extended to officers to request retirement or separation and for enlisted to request retirement, in connection with selection for certain events, are not the

same. There are some similarities and certain special provisions and restrictions apply to both. The areas which are similar are addressed below followed by separate paragraphs explaining the options for officers and those for enlisted.

2.30.1. Special Provisions and Restrictions. There are a number of special provisions and restrictions which apply to the 7-day option. The following apply to both officers and enlisted, unless indicated otherwise.

2.30.1.5. Airmen who establish a separation or retirement date under 7-day option provisions who later decide they do not want to separate or retire may request withdrawal of the approved date through separation or retirement channels. AFPC separation or retirement office will route the request to the assignment OPR for consideration. Requests for withdrawal are not automatically approved. The assignment OPR will make a recommendation of approval or disapproval based on manning and the overall best interests of the AF.

In accordance with AFI 36-3207, *Separating Commissioned Officers*, dated 9 Jul 04:

2.14. *Withdrawing Separation Requests*.

2.14.1. Officers may request withdrawal:

2.14.1.1. Of an approved DOS up to 30 days before the DOS takes effect by giving reasons for the withdrawal and stating that they have not traveled or used the separation orders to move family members, ship household goods, or receive advance travel entitlements.

2.14.1.2. Of a pending separation application by giving reasons for the withdrawal.

EXCEPTION: Officers may not submit withdrawal requests within 30 days of their approved DOS unless the request is for hardship.

2.14.2. MPFs:

2.14.2.1. Forward a copy of the separation application, the withdrawal request of a separation instead of assignment, and the wing commander indorsement directly to HQ AFPC/DPPRSO.

2.14.2.2. Forward all other withdrawal requests with wing commander indorsements and a copy of the application for separation based on conscientious objector through the same channels that processed the application for separation.

2.14.2.3. Notify the command or headquarters to hold the application for separation until receiving the withdrawal request.

2.14.3. The command or headquarters processes both the application for separation and the withdrawal request.

2.14.4. Commanders indorsing withdrawals must include their reason for recommending approval or disapproval.

2.14.5. The SAF or designee may withdraw an approved DOS when the reason for separation no longer exists (for example, pregnancy ends in other than live birth).

TESTIMONY MEMORANDUM

A testimony memorandum was provided in response to the United States Court of Federal Claims remand order directing the AFBCMR to identify the wing commander's rationale for failing to provide reasons for denying the applicant's withdrawal of separation request.

The applicant's memorandum requesting withdrawal of her application for voluntary separation was presented to the wing commander for indorsement in Feb 17, almost seven years ago. While the wing commander did not recall the disposition of the indorsement of the applicant's request, nor did the wing commander have in her possession documentation of her response, she did

vaguely recall the matter. After reviewing the supporting materials provided by the applicant, the wing commander remembered discussing the situation with the Colonel Force Management and Policy Division (The Colonels' Group) and the applicant's leadership in the Medical Group. The wing commander's actions in this case appear to have been consistent with the process she customarily used for the many personnel actions she had taken over the course of her career. To the best of her recollection, the wing commander considered the applicant's request, along with the needs of the Air Force, guiding regulations, and recommendations from subordinate commanders, and the wing commander did not find it appropriate to approve the request.

The complete testimony memorandum is at Exhibit Q.

AIR FORCE EVALUATION

AF/A1LO recommends denying the application. Based on the examination of the textual and contextual content of the emails dated 12 Sep 16, 9:03 a.m. and 16 Nov 16, 3:15 p.m., as well as that of the other correspondence in the respective email threads, there is no evidence the applicant was ignored, and there does not appear to be an official request from her to withdraw her separation indorsed by her chain of command.

On 10 Oct 23, the United States Court of Federal Claims remanded the case to the AFBCMR for reconsideration of the applicant's claim that 1) her multiple requests to withdraw her separation were ignored; and 2) her wing commander failed to explain the non-indorsement of her separation withdrawal request. The AFBCMR was ordered to provide satisfactory explanations for the following: 1) why the Air Force did not act on the applicant's 12 Sep 16 and 16 Nov 16 email requests to withdraw her separation in accordance with AFI 36-2110, paragraph 2.30.1.5. (2009); and 2) why the commander did not list the reason(s) for the non-indorsement of the withdrawal request in accordance with AFI 36-3207, paragraph 2.14.4. (2004). AF/A1LO was tasked by the AFBCMR to provide response to the first question above. Of note, AF/A1LO cannot answer for the actions and rationale of the AF/A1LO staff members during the withdrawal request eight years ago; however, is able to address policies and the content of the emails referenced above.

To the first question, did the Air Force ignore or not act upon the applicant's email on 12 Sep16, 9:03 a.m., requesting withdrawal of her separation – there was no request made at that date and time which necessitated any action being taken by the Air Force.

On page 4 of the United States Court of Federal Claims Opinion and Order document, the applicant claims that "between September 2016 and February 2017, she emailed numerous Air Force personnel requesting to stop her separation, but her unit failed to process her email requests." The document cites "12 September 2016, 9:03 a.m. Email Seeking Separation Withdrawal Request" (Admin Record) as evidence. Although the 12 Sep 16 email was mentioned a number of times throughout the Court Opinion and Order, and was characterized as a withdrawal of separation request, it is actually a brief email from the Air National Guard (ANG) Palace Chase Program Manager to an AF/A1LO staff member, relaying information the applicant no longer wished to pursue Palace Chase to transition to the ANG. This email does not appear to be a separation withdrawal request. The A1LO staff member replied to the Palace Chase Program Manager on 12 Sep 17 at 12:57 p.m.. As there is no other email from 12 Sep 16 at 9:03 a.m., AF/A1LO cannot address a separation withdrawal request from the applicant from this date and time.

A further review of other emails leading up to (7 Sep 16, 11:31 a.m.; 9 Sep 16, 12:56 p.m.) and following (12 Sep 16, 12:57 p.m.; 14 Sep 16, 7:42 a.m.) the 12 Sep 16, 9:03 a.m. email indicates there were not any requests for separation withdrawal. Having examined and considered all the Sep 16 emails in the administrative record, AF/A1LO concludes the Air Force did not ignore the

applicant's request to withdraw her separation because there is no record of such request. Furthermore, separations requests are required to be indorsed by the service member's chain of command, and the emails provided indicate there was no support from the chain of command for a withdrawal of separation request.

To the second question, did the Air Force ignore or not act upon the applicant's email on 16 Nov 16, 3:15 p.m., requesting withdrawal of her separation, the AF/A1LO Action Officer responded promptly and provided relevant information and guidance. The evidence contradicts the applicant's claim the Air Force ignored her emails and did not act upon her request to withdraw her separation.

The applicant contended her request to withdraw her separation request via email to AF/A1LO on 16 Nov 16, 3:15 p.m. was ignored. The email thread provided by the applicant includes a response from the AF/A1LO Action Officer at 3:37 p.m.. The response explains her separation will continue to be processed because she declined an assignment. The Action Officer also explained she was required to be separated from the Air Force as a result of not having enough time to Retire In Lieu of an Assignment, and then provided the applicant with further relevant AFI 36-3207 policy guidance.

Additionally, leading up to that email exchange, on 14 Nov 16, the Action Officer provided the applicant with guidance for submitting a memo to withdraw her separation. However, it does not appear the applicant sent a memo for processing, nor did she select a date for the separation package by close of business 16 Nov 16, which was the suspense set by the Action Officer. Despite the guidance and offer of assistance, it appears the applicant chose not to act on the information provided, and chose not to submit a withdrawal memo, as noted in the 16 Nov 16, 3:15 p.m. email. Rather, she cited AFI 36-3207, paragraph 2.14.4. and unilaterally claimed she was not obligated to set a separation date.

AF/A1LO provided policy and guidance throughout the process. However, there is no evidence of an official request for withdrawal of separation and no chain of command indorsement as is required for any separation withdrawal requests.

Regarding the wider question, did the Air Force fail to provide full instructions to the applicant, there may be different subjective interpretations on what constitutes full instructions. There is no policy which mandates the Air Force to counsel service members on the various options they can take, as there is no way to identify the needs of all members. Further, guidance on various programs can be found through a multitude of resources to include Air Force Instructions and Air Force online sources (e.g., myPERs, MyFSS). Even though there is not a mandate to provide counsel, program experts advise members. After examining the textual and contextual content of the emails in question, it appears that the applicant received timely responses, appropriate instructions, and offers of assistance.

The complete advisory opinion is at Exhibit R.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent copies of the testimony memorandum and advisory opinion to the applicant on 11 Mar 24 for comment (Exhibit S), and the applicant replied on 10 Apr 24. In response, counsel contended the wing commander's dereliction of duties to prepare a written non-indorsement memorandum and her failure to coordinate to forward the applicant's withdrawal request to the Secretary of the Air Force (SecAF) violated AFI 36-3207, paragraph 2.14.4. and denied the applicant proper consideration by the SecAF under 2.14.5.. Counsel further contended Air Force program experts failed to timely and accurately advise the applicant about the separation withdrawal process between Mar 16 and Feb 17. Additionally, the advisory

opinion's argument that regulatory guidance and recommendations were considered without preparing a written non-indorsement memorandum required by AFI 36-3207 and that the withdrawal request was late are improper post-hoc rationalizations made approximately seven years too late when faced with litigation.

Per counsel, the evidence shows the applicant submitted her withdrawal request to the wing commander on 13 Feb 17 and after multiple requests for an appointment with her, the appointment was finally granted on 16 Feb 17. The evidence shows the wing commander never prepared a written non-indorsement memorandum and the bullet background paper concedes this point. Counsel again referenced AFI 36-3207 in support, stating by not providing a written indorsement with her reasons for recommending disapproval in this case, the wing commander violated 36-3207 and denied the applicant due process. This was prejudicial to the applicant since she indicated the initial reason for her request no longer existed. The post-hoc memorandum, dated 22 Dec 23, attempts to explain the wing commander's non-indorsement reasons but not the failure to provide a written indorsement so the SecAF could make a decision. The explanations after the breach of AFI 36-3207 do not excuse the magnitude and second and third level effects of the violation. Counsel cited *Watson v. United States*, 113 Fed. Cl. 615 (2013) and *Roth v. United States*, 378 F.3d 1371 (2004), in support.

The memorandum explains in broad terms that the applicant's request, the needs of the Air Force and guiding regulations and recommendations from subordinate commanders were considered. It omits the facts concerning converting the applicant's active duty position into a civilian position as early as Oct 16, and that the unit was happy to have the applicant remain in the unit as a civilian. If AFI 36-3207 had been considered, there would be a written indorsement and a SecAF decision. It is likely the SecAF would have been interested to learn the unit separated the applicant against her will and rehired her for the same position as a civilian, despite the fact that the applicant's reason for separation no longer existed in Feb 17. Additionally, the post-hoc rationale does not excuse the failure to act on the applicant's withdrawal request in the first place. The 15 Feb 17 email states the applicant's separation was 1 Mar 17, and she could submit her withdrawal request in accordance with the AFI. At no point in 2017 was the applicant told the withdrawal request was untimely.

Regarding the bullet background paper, the evidence shows the applicant did not miss the submission suspense of 30 days prior to the established date of separation outlined in AFI 36-3207 on three different occasions. The Air Force failed to issue separation orders until 30 Jan 17, with the effective date of 1 Mar 17, and the applicant was advised she could submit her request with less than 30 days from 1 Mar 17. Because the applicant was notified on 30 days in advance of her date of separation, she would have to submit her withdrawal request on the same day and was likely allowed to submit her request with less than 30 days from 1 Mar 17. The AF/A1 email, dated 15 Feb 17, advised she could still submit her withdrawal request, never indicating it was too late. The wing commander simply chose to ignore the separation request withdrawal process. The argument that the withdrawal request was late only appeared during litigation.

In Sep 16, the Colonels' Group notified the applicant she had until 21 Sep 16 to submit a new separation request with a separation date in Dec 16. The Colonels' Group was aware the applicant wanted to be retained on active duty, but provided no information on how she could withdraw her separation request. The date passed, the Air Force did not issue separation orders, and the applicant continued on active duty. On 9 Jan 17, the Colonel's Group indicated she would be separated on 1 Feb 17, giving the applicant less than 30 days to out-process. Again, this date passed, the Air Force did not issue separation orders, and the applicant continued on active duty. On 30 Jan 17, the Colonels' Group advised the applicant she would be separated on 1 Mar 17; however, in mid-Feb 17, she was advised she could still submit her withdraw request, and she received specific instructions. During her Transition Assistance Program (TAP) pre-

separation briefing, the applicant also learned she was supposed to receive separation orders at least 60 days before her date of separation, and the TAP should have been completed not later than 90 days before her date of separation.

The advisory opinion states in the Court's decision the applicant claims she sent numerous emails requesting to withdraw her separation between Sep 16 and Feb 17. Because the Court referenced numerous emails in the administrative record, the assertion that these are the applicant's claims appears to be inaccurate. The Court also notes the applicant filed an Inspector General (IG) complaint, a Congressional Inquiry, and a federal lawsuit in the United States District Court for the Middle District of Florida, requesting to stop her separation.

Additionally, the advisory opinion focuses on the 12 Sep 16 email explaining it was only a brief email stating the applicant did not want to pursue Palace Chase; however, the evidence shows the applicant stated she was being retained on active duty and no longer wished to pursue Palace Chase. At the very least, the Air Force program experts should have advised the applicant she was not going to be retained on active duty. Instead, the Air Force simply ignored her objective to remain on active duty, did not clarify her misunderstanding, and continued to process her for separation.

The advisory opinion omits the 16 Nov 16 email stating the applicant attempted to withdraw her separation request. The Colonels' Group representative responded to this email by providing incomplete guidance to the applicant, cutting off the portion of the AFI stating the applicant needed to obtain her wing commander's indorsement. The email omits likely the most important part of the submission, reflected in AFI 36-3207, paragraphs 2.14.4. and 2.14.5.. If the applicant received accurate guidance in Nov 16, she would have requested indorsement immediately to allow the SecAF to consider her withdrawal request. The applicant's 14 Nov 16 email unequivocally indicated she did not want to be separated because in May 17 she would reach sanctuary.

Additionally, the advisory opinion ignores the applicant filed an IG complaint specifically because her right to withdraw her separation request was violated under AFI 36-3207. Further, the advisory opinion omits the 4 Jun 16 email where the applicant stated she needed assistance to walk her through the separation process; however, only in Feb 17 did she receive accurate advice on how to request withdrawal of her separation request. If the Air Force program experts had properly advised her in Mar 16, she would not have submitted her separation request, and if they had advised her in Sep 16, she would have submitted her withdrawal request then. It is fundamentally unfair for the advisory opinion to claim on one hand there is no requirement to provide advice to airmen and that full instructions are subject to subjective interpretations, but on the other hand provide incomplete advice and blame the airmen. Once the applicant realized she received incorrect advice, she continued to advise the Air Force she wanted to be retained on active duty, and her request had been ignored by the Colonels' Group and her wing commander. Based on submitted emails, the advisory opinion's assertion there was no evidence the applicant's requests were ignored and she received accurate guidance are not reflected in the record.

In this case, it was the duty of the wing commander, the Colonels' Group representative, and the Air Force program experts to scrutinize the applicant's requests to be retained on active duty and not separated between Sep 16 and Feb 17, and to allow her request to withdraw her separation to be properly considered by the SecAF under AFI 36-3207. *Cunningham v. United States*, 191 Ct. Cl. 471, 482 (1970).

Finally, per counsel, the record reveals the applicant's wing commander was derelict in her duties under AFI 36-3207. This was prejudicial to the applicant who was within months of reaching sanctuary. The post-hoc rationalizations should be rejected because they are not

reflected in the record. The applicant received delayed and incomplete advice on how to withdraw her separation request. The entire separation process, lasting approximately one year, was further complicated by multiple changes in the dates of separation and by ignoring the applicant's requests to be retained on active duty.

The applicant's complete response is at Exhibit T.

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, to include the applicant's rebuttal, the Board remains unconvinced the evidence presented demonstrates an error or injustice. After careful consideration of the wing commander's testimony memorandum and the AF/A1LO advisory opinion, the Board concurs with the rationale and recommendation of AF/A1LO and finds a preponderance of the evidence does not substantiate the applicant's contentions.

Addressing the items of interest that were the basis of the United States Court of Federal Claims remand order, the Board found no evidence the applicant submitted an official request to withdraw her voluntary request for separation on either 12 Sep 16 or 16 Nov 16 for the Air Force to act upon. The email correspondence, dated 12 Sep 16, was communication between the PALACE CHASE Program Manager and the AF/A1LO staff member addressing the applicant's statement regarding her retention in the Air Force and desire to no longer participate in the PALACE CHASE program. The applicant was neither the sender nor an addressee on this email. Additionally, after a review of all available Sep 16 emails in the administrative records, no official correspondence from the applicant requesting withdrawal of her voluntary separation was found. Regarding the 16 Nov 16 email between the applicant and AF/A1LO, the evidence contradicts the applicant's contention her email was ignored. In fact, AF/A1LO promptly responded to the applicant providing relevant information and guidance. More importantly, the applicant's 16 Nov 16 email was not an official request to withdraw her voluntary separation, but instead, was a declaration that she had previously withdrawn her separation request on 14 Sep 16, in accordance with AFI 36-3207, and there was no need for her separation; therefore, once again, there was no request for AF/A1LO to act upon. In his response, the AF/A1LO representative attempted to correct her misunderstanding of her status, and offered clarifying guidance which addressed her specific circumstances. Further, in an earlier 14 Nov 16 email from the applicant to the same AF/A1LO representative, she referred to a memorandum she was drafting to request a waiver of her separation from active duty acknowledging her understanding that an official written request was required, and the AF/A1LO responded that same day asking her to send him the completed memorandum for action. No official written memorandum requesting a waiver of her separation was sent by the applicant to AF/A1LO to initiate the withdrawal of voluntary separation process. The applicant has not presented any evidence the Air Force ignored her request to withdraw her voluntary separation or failed to follow applicable guidance. To the contrary, neither email presented as evidence of her contentions contains an official request to withdraw the separation action. AF/A1LO was, in fact, following Air Force guidance by continuing the applicant's separation process under the Seven Day Option, in accordance with AFI 36-2110. The first official written request for withdrawal of her voluntary separation was submitted by the applicant on 13 Jan 16 (sic) to the Force Support Squadron commander, followed by the 13 Feb 17 memorandum addressed to the wing commander. Neither memorandum was indorsed through her chain of command.

Regarding the wing commander's indorsement of the applicant's request to withdraw her voluntary separation, while there is no record on a written indorsement listing the reasons for denial, the applicant met personally with the wing commander after submitting her request for indorsement. Per the applicant's contentions, and confirmed by the testimony memorandum, the wing commander communicated with the applicant's chain of command, considered the needs of the Air Force, and denied that applicant's request for indorsement as it was within her discretion to do. While there is no evidence the wing commander provided a written response to the applicant's request in accordance with AFI 36-3207, the wing commander considered her request and the reasons for denial were communicated to her. Furthermore, the applicant's demand for compliance with AFI 36-3207 regarding a written indorsement is incongruous with her complete disregard of AFI 36-3207 prohibiting submission of this same request for withdrawal within 30 days of her approved date of separation, unless for hardship.

Additionally, the applicant's contentions asserting a lack of guidance regarding processing her request for withdrawal of her voluntary separation and the need for chain of command indorsement is disingenuous at best. As a lieutenant colonel with over 17 years Air Force service, it is highly unlikely she was unaware of the Air Force's administrative processes and the need for personnel actions to be coordinated through an airman's chain of command. Further, her contention she was provided incomplete or partial guidance is not compelling. In the emails in question, the applicant was provided specific Air Force instruction references with the expectation she would review the guidance applicable to her situation. The applicant's misinterpretation of, or failure to act on, guidance provided is outside the Air Force's control.

Finally, the applicant has posited several different, often conflicting facts to support her contentions. Arguments introduced by the applicant include being misinformed regarding her options under the Seven Day Option policy, her entitlement to a hardship waiver, her entitlement to withdraw her voluntary separation, her inability to transfer to the reserve component, her willingness to "take any assignment, anywhere, at any time" and her inequitable treatment compared to those similarly situated. None of these declarations are supported by evidence. Combined with the applicant's failure to acknowledge the delay in her separations process was, in part, self-imposed due to her request to the Secretary of the Air Force Personnel Council for an active duty service commitment waiver and her initiation of the PALACE CHASE process, the inconsistencies and constant flexing of her justification for relief weakens her position in the eyes of the Board. 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 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-2019-02580 in Executive Session on 5 Jun 24:

, Panel Chair
, Panel Member
, Panel Member

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

Exhibit O: Record of Proceedings, w/ Exhibits A-N, dated 5 Aug 22.
Exhibit P: US Court of Federal Claims Remand Order, dated 10 Oct 23.
Exhibit Q: Testimony Memorandum, NGB-LL, dated 22 Dec 23.
Exhibit R: Advisory Opinion, AF/A1LO, dated 8 Mar 24.
Exhibit S: Notification of Advisory, SAF/MRBC to Counsel, dated 11 Mar 24.
Exhibit T: Counsel's Response, w/atchs, dated 10 Apr 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.

X

Board Operations Manager, AFBCMR