

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-00095

XXXXXXXXXXXXXX

COUNSEL: XXXXXXXX

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Her Date of Rank (DOR) to Airman (Amn/E-2) and Airman First Class (A1C/E-3) be backdated and she receive all retroactive pay associated with the corrected DORs.

APPLICANT'S CONTENTIONS

Upon completion of her initial active duty training and technical training, her unit failed to start her time in grade (TIG) properly, resulting in the loss of one and a half years of pay, TIG, the ability to attend Airman Leadership School, and promotion opportunity. She is hardworking and strives to improve herself every day. She has achieved her 5-skill level, worked hard on her college education through the Community College of the Air Force (CCAF) and deployed to Washington DC during the capital riots.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air National Guard senior airman (E-4).

On 7 Jan 18, DD Form 4/1, *Enlistment/Reenlistment Document Armed Forces of the United States*, shows that the applicant enlisted in the Air Force in the grade of airman basic (E-1).

On 19 Jun 18, as documented on the applicant's DD Form 214, *Certificate of Release of Discharge from Active Duty*, she entered initial active duty for training (IADT).

On 30 Nov 18, AF Form 2096, *Classification/On-The-Job Training*, she was awarded her 3-skill level as 1P031.

On 26 Feb 20, according to Special Order XXXXX, she was promoted to the grade of E-2.

On 28 Aug 20, according to Special Order XXXXX, she was promoted to the grade of E-3.

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

APPLICABLE AUTHORITY

In accordance with AFI 36-2502, *Enlisted Airman Promotion and Demotion Programs*, Table 10.1. Eligibility Criteria for ANG Enlisted Promotions. For promotion to Airman (E-2), required primary Air Force Specialty Code is 3 skill-level, time-in-service (TIS) is six months, time-in-grade (TIG) is six months, and mandatory education is initial active duty training. For

promotion to Airman First Class (E-3), TIS is 12 months and TIG is 6 months. Promotion Eligibility to Senior Airman (E-4) is 24 months TIS and 12 months TIG.

Note 4: Time-in-service (TIS)/time-in-grade (TIG) is computed from the date the member enters initial active duty training status. The source document for determining initial active duty training is the initial active duty training order or a completed DD Form 214, Certificate of Release or Discharge from Active Duty.

AIR FORCE EVALUATION

NGB/A1PP, recommends granting the application. Based upon documentation provided by the applicant and the state headquarters analysis of the facts, there is evidence of an error or injustice. The state was aware of the injustice and recommended that the applicant submit a BCMR application. NGB/A1PP contacted the applicant's state headquarters, who confirmed that a promotion eligibility roster was never accomplished on the applicant, therefore the applicant's leadership was not keeping track on the upcoming promotion eligibility. For the State of Kansas, authority to promote to the grade of technical sergeant and below, has been delegated to the wing commander who concurred with the recommendation from NGB: Members date of rank (DOR) for E-2 be backdated to 30 Nov 18 and the E-3 be backdated to 30 May 19 to correct the DOR's established and put the member on a more sufficient career timeline. Upon completion of technical training, the applicant was awarded her 3-level skill, 1P031, on 30 Nov 18. The applicant was promoted to Airman (E-2) effective 26 Feb 20 and Airman First Class (E-3) effective 28 Aug 20.

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 28 Apr 22 for comment (Exhibit D), but has received no response.

ADDITIONAL AIR FORCE EVALUATION

On 9 May 22 the Board staff requested NGB/A1PP review their previous advisory, as it contained erroneous information. In their revised advisory, NGB/A1PP's rationale for granting the applicant's request remains unchanged. However, they correct their recommended DORs in order to meet the TIS/TIG eligibility criteria in accordance with AFI 36-2502, Table 10.1. Since the applicant entered active duty training status on 19 Jun 18, her promotion and corresponding DOR to E-2 should be backdated to reflect 19 Dec 18 and her promotion and corresponding DOR to E-3 should be backdated to reflect 19 Jun 19.

The complete advisory opinion is at Exhibit E.

APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 9 May 22 for comment (Exhibit F), but has received no response.

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, the Board concludes the applicant is the victim of an error or injustice. The Board concurs with the rationale and recommendation of NGB/A1PP and finds a preponderance of the evidence substantiates the applicant's contentions. Therefore, the Board recommends correcting the applicant's records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show the applicant was promoted as follows:

a. 190th Air Refueling Wing Special Order (SO) **Work-Product**, dated 27 February 20, promoting to Airman (E-2) effective 26 February 2020 with Date of Rank 26 February 2020 be amended to read: effective 19 December 2018 with the Date of Rank: 19 December 2018.

b. 190th Air Refueling Wing Special Order (SO) **Work-Product**, dated 31 Aug 20, promoting to Airman First Class (E-3) effective 28 August 2020 with Date of Rank: 28 August 2020 be amended to read: effective 19 June 2019 with a Date of Rank: 19 June 2019.

CERTIFICATION

The following quorum of the Board, as defined in Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2021-00095 in Executive Session on 31 May 22:

- , Panel Chair
- , Panel Member
- , Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, dated 23 Apr 20.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/A1PP, dated 21 Apr 22.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 28 Apr 22.
- Exhibit E: Advisory opinion, NGB/A1PP, dated 9 May 22
- Exhibit F: Notification of advisory, SAF/MRBC to applicant, dated 9 May 22.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.

X

Board Operations Manager, AFBCMR