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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

ADDENDUM TO RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-01371-2

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

The Board reconsider his request to correct his record to show he earned enough points to qualify for a Reserve retirement.

RESUME OF THE CASE

The applicant is a former Air National Guard (ANG) senior airman (E-4).

On 23 Aug 23, the Board considered and denied his request for a Reserve retirement. The applicant contended he was not credited for some of his time spent in the Marine Corps Reserve, the Army National Guard, the Army Reserve, and the Air National Guard. The Board concurred with the recommendation of ARPC/DPTS which noted the applicant had several years that were not counted as satisfactory years because he did not earn enough points to qualify as a good year nor did the applicant provide evidence to show he was missing creditable service not already accounted for. Additionally, the Board found the applicant did not file his application within three years of the alleged error; therefore, the Board found the applicant's request untimely.

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

On 23 Aug 23, the applicant requested reconsideration of his request for a Reserve retirement. He again contends he was honorably discharged with 19 years, 9 months, and 3 weeks [sic] instead of receiving his earned 20-year service certificate as he served more than 20 years. In support of his reconsideration request, the applicant submitted the following new evidence: (1) copies of awards and letters of appreciation he received while in the service; (2) his separation order from the United States Marine Corps Reserve; (3) a copy of his points summary and creditable service calculations; (4) a copy of his college transcripts; (5) and a health summary record.

The applicant's complete submission is at Exhibit F.

APPLICABLE AUTHORITY/GUIDANCE

AFBCMR Docket Number BC-2021-01371-2

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Controlled by: SAF/MRB
CUI Categories: Work-Product
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

DoDI 1215.07, *Service Credit for Reserve Retirement*, Section 3, paragraph 3.1.a. states pursuant to Chapter 1223 of Title 10, U.S.C., a qualifying year of creditable service toward a non-regular retirement is a full-year, as described in paragraphs 3.1.b. and 3.1.c., *Establishing and Adjusting Anniversary Years*, during which a member of an Active Component (AC) or Reserve Component (RC) is credited with at least 50 retirement points. Accumulating 20 such years, except as otherwise provided by law, is one requirement necessary to qualify for non-regular retired pay.

AIR FORCE EVALUATION

ARPC/DPTSP recommends denying the applicant's request for his points to be recalculated for a possible correction to his satisfactory years of service towards retirement which would qualify him for a pension and back pay. There is no additional source documentation to award additional points other than what is currently reflected in his record.

The applicant began service on 24 Aug 73 and was discharged on 22 Dec 05. At the time of discharge, the applicant's point history reflected two breaks of service and 4 years, 9 months, and 13 days of unsatisfactory years for service. Two of the unsatisfactory years were served in the Marine Corps Reserve, one year was while the applicant was in the Army Reserve, and one year, 9 months, and 13 days was while the applicant was in the Air National Guard. The total years of satisfactory service towards retirement reflected 15 years, 3 months, and 5 days, per the point summary. The NGB Form 22, *National Guard Bureau Report of Separation and Record of Service*, provided by the applicant, reflects 19 years, 9 months, and 13 days; however, this is in reference to service for base pay, or longevity, and not years towards retirement. The applicant did not provide any additional documentation for missing points throughout his military career. Unless the applicant can provide documentation for points that have not been accounted for in his record, no additional points can be awarded.

According to AFMAN, *Reserve Personnel Participation*, 36-2136, paragraph 2.2, points may only be credited to the date a reservist actually performed the duty. Additionally, according to the same reference, paragraph 2.3.2, award a year of satisfactory federal service for retirement when a reservist earns a minimum of 50 points (including membership points) in their full Retention/Retirement year.

The complete advisory opinion is at Exhibit G.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 12 Feb 24 for comment (Exhibit H) 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 remains unconvinced the evidence presented demonstrates an error or injustice. The Board concurs with the rationale and recommendation of ARPC/DPTSP and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board reviewed all the evidence presented; however, did not find any of his military service unaccounted for. Per DoDI 1215.07, a qualifying year of creditable service toward a non-regular retirement is a full year, during which a member of an Active Component (AC) or Reserve Component (RC) is credited with at least 50 retirement points. Although the applicant began service on 24 Aug 73 and was discharged on 22 Dec 05, he had two breaks in service and several years were not counted as qualifying years of creditable service. He did not earn the 50 retirement points needed for those years to count towards retirement. Therefore, the Board recommends against correcting the applicant's records.

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-2021-01371-2 in Executive Session on 9 Apr 24:

Work-Product Panel Chair

Work-Product, Panel Member

Panel Member

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

Exhibit E: Record of Proceedings, w/ Exhibits A-D, dated 10 Nov 21.

Exhibit F: Application, DD Form 149, w/atchs, dated 23 Aug 23.

Exhibit G: Advisory Opinion, ARPC/DPTSP, atchs, dated 21 Jan 24.

Exhibit H: Notification of Advisory, SAF/MRBC to Applicant, dated 12 Feb 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.

6/5/2024

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Board Operations Manager, AFBCMR

Signed by: Work-Product

AFBCMR Docket Number BC-2021-01371-2

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