



**CUI//SP-MIL/SP-PRVCY**

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

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

*Work-Product*

**DOCKET NUMBER:** BC-2021-01393-1

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

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**APPLICANT'S REQUEST**

His retirement pay be recalculated to include his public service under the provisions of the 1993 Temporary Early Retirement Act (TERA).

**APPLICANT'S CONTENTIONS**

In a letter dated 12 Sep 02, from the Defense Manpower Data Center (DMDC), his end date of 27 Feb 98 is incorrect and needs to be changed to 13 Jan 01, as this is his separation date with the U.S. Postal Service (USPS). This correction will give him over 20 years of service for retirement purposes. Due to his medical conditions, he has been under constant care and has not been able to file for this correction until now.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a retired Air Force technical sergeant (E-6).

Dated 14 Aug 95, according to Special Order Number *Work-Product* the applicant was retired in the grade of E-6, effective 1 Jan 96.

On 31 Dec 95, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant was separated from active duty for the purpose of retirement. Item 18, *Remarks*, states "Member is retiring as provided by Section 4403 of the FY93 National Defense Authorization Act (PL 102-484) and May Qualify for a Recomputation of Retired Pay at Age 62 Pursuant to Section 4464 of the Same Law." He was credited with 17 years, 9 months, and 29 days of active service.

Dated 13 Feb 01, a letter from the USPS, provided by the applicant, indicates his separation date was 13 Jan 01.

Dated 12 Sep 02, a letter from DMDC, provided by the applicant, indicates his end date with the USPS was 27 Feb 98, and he was credited with 1 year, 2 months, and 28 days for enhanced retirement qualification purposes.

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Controlled by: SAF/MRB  
CUI Categories: SP-MIL/SP-PRVCY  
Limited Dissemination Control: N/A  
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For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit C.

**AIR FORCE EVALUATION**

AFPC/DPMSSR recommends granting the application finding evidence of an error. The National Defense Authorization Act (NDAA) required members retiring under TERA to register in advance of the projected retirement date on the Public and Community Service (PACS) Registry maintained under 10 U.S.C. Section 1143a. The law allows no provision to retroactively register for employment in public or community service organizations. Applicants were required to turn in proof of public or community service to the DMDC team no later than one year after they would have attained 20 years of TAFMS had they been continuously on active duty. This date is referred to as the individual's Enhanced Retirement Qualification Period (ERQP).

The applicant retired 1 Jan 96 with 17 years, 9 months, and 29 days of active service. Based on the reporting instructions established by the DMDC, the applicant was required to submit records of the creditable service within a year of that point, which the applicant did. The DMDC showed the applicant applied for PACS and received credit until 27 Feb 98 (1 year, 2 months, and 28 days), but the applicant should have received credit until 13 Jan 01 (2 years, 2 months and 1 day), as evidenced by the documentation provided by the applicant from the USPS showing his separation date.

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 23 Aug 23 for comment (Exhibit D) but has received no response.

**FINDINGS AND CONCLUSION**

1. Although the application was not timely filed within the three-year limitation period established by 10 U.S.C. § 1552 (b), the untimeliness is waived in the interest of justice.
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 AFPC/DPMSSR and finds a preponderance of the evidence substantiates the applicant's contentions. Specifically, the applicant submitted evidence to show he was employed by the USPS until he was separated on 13 Jan 01. Therefore, the Board recommends correcting the applicant's records as indicated below.

**RECOMMENDATION**

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The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show a re-computation of his military retirement pay as of his 62<sup>nd</sup> birthday, to include an additional two years, two months, and one day of creditable service and employment per National Defense Authorization Act for Fiscal Year 1993, Section 4464.

**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-2021-01393-1 in Executive Session on 9 Apr 24:

*Work-Product*, Panel Chair  
*Work-Product*, Panel Member  
*Work-Product*, Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 9 Aug 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DPMSSR, dated 17 Aug 23.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 23 Aug 23.

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.

5/6/2024

*Work-Product*

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Board Operations Manager, AFBCMR  
Signed by: *Work-Product*