



UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-01526

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His records be corrected to reflect he retired as a major (O-4) instead of captain (O-3).

APPLICANT'S CONTENTIONS

The Defense Finance and Accounting Service (DFAS) and Defense Enrollment Eligibility Reporting System (DEERS) records erroneously list his retirement rank as captain (O-3) instead of major (O-4) as reflected on his DD Form 214, *Certificate of Release or Discharge from Active Duty*, dated 31 Mar 04.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 3 Oct 02, according to AFPC/DP2SP, the applicant met and was selected for promotion to major by the CY02B Major (LAF) Central Selection Board.

On 14 Oct 03, the applicant signed DD Form 2656, *Data For Payment Of Retired Personnel*, certifying the rank/pay grade of captain/O-3, retirement/transfer date of 1 Apr 04.

On 1 Mar 04, according to AFPC/DP2SSR, the applicant was appointed to the rank (DOR) of major.

On 31 Mar 04, the applicant was relieved from active duty, retired effective 1 Apr 04, per AFI 36-3203, *Service Retirements*, in the rank/grade of captain/O-3, having served 20 years, 1 month, and 28 days of active service.

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

AIR FORCE EVALUATION

AFPC/DP2SP provides an advisory for information only. The applicant met and was selected for promotion to major by the CY02B Major (LAF) Central Selection Board which convened on

3 Oct 02. The applicant was projected to promote to major in the Reserves off this board. He never met a promotion board for major while on active duty.

The complete advisory opinion is at Exhibit C.

AFPC/DP2SSR recommends denying the application. Per the AFPC/DP2SP advisory, dated 28 Oct 21, the applicant met and was selected for promotion to the grade of major by the CY02B Major (LAF) Central Selection Board which convened on 3 Oct 02. The applicant was projected to promote to the grade of major in the Reserves. The advisory also indicates that the applicant never met a promotion board for major while on active duty. In accordance with (IAW) Title 10 United States Code, Section 1370, in effect at the time of the applicant's retirement, a commissioned officer shall be retired in the highest grade held in which he served on active duty satisfactorily **for not less than six months**. Additionally, IAW AFI 36-3203, paragraph 7.2, dated 12 Sep 03: a commissioned officer shall be retired in the highest grade held in which he served on active duty satisfactorily **for not less than six months**. Military Personnel Data System (MilPDS) information shows the applicant's DOR to major was 1 Mar 04, one month prior to his retirement. Therefore, the applicant did not meet legislative requirements, nor Air Force guidance to be retired in the rank of major.

IAW AFI 36-3202, *Separations Documents*, dated 20 May 94, Table 4, Rule 4, the grade or rank on the DD Form 214, will reflect the active duty grade held at separation. Therefore, the applicant's DD Form 214 correctly reflects the rank/grade of major (O-4).

The complete advisory opinion is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinions to the applicant on 8 Nov 21 for comment (Exhibit E), but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed. 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. The Board does not find it in the interest of justice to waive the three-year filing requirement.
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 AFPC/DP2SSR, and finds a preponderance of the evidence does not substantiate the applicant's contentions. Specifically, as the applicant retired 1 Apr 04, one month after pinning-on the rank of major, he did not meet legislative and Air Force guidance to be retired in the rank of major. Therefore, the Board finds the application untimely and recommends against correcting the applicant's records.

RECOMMENDATION

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The Board recommends informing the applicant the application was not timely filed; it would not be in the interest of justice to excuse the delay; 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 Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2021-01526 in Executive Session on 14 Jun 22:

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, w/atchs, dated 19 Feb 21.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2SP, dated 28 Oct 21.
- Exhibit D: Advisory Opinion, AFPC/DP2SSR, 5 Nov 21
- Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 8 Nov 21.

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.

4/13/2025

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