

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2021-02484

XXXXXXXXXXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

His DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, issued 9 Dec 71, item 11d, *Effective Date*, be amended to reflect his correct discharge date.

### APPLICANT'S CONTENTIONS

The discharge date on his DD Form 214 was never corrected after his removal from the Temporary Disability Retired List (TDRL).

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is an honorably discharged Air Force airman (E-2).

On 9 Feb 71, according to DD Form 214, the applicant entered the Regular Air Force.

On 9 Dec 71, according to DPM Form 134, *Retirement Order*, Special Order **Work-Product**, dated 6 Dec 71, the applicant was relieved from active duty and placed on TDRL with a compensable percentage for physical disability of 70 percent, effective 10 Dec 71.

On 20 Aug 73, according to DPM Form 154, *Retirement Order*, Special Order **Work-Product**, dated 31 Jul 73, the applicant was removed from TDRL and discharged with compensable percentage for physical disability of 10 percent. He was credited with 10 months of active service.

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

### APPLICABLE AUTHORITY/GUIDANCE

AFI 36-3202, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*. The DD Form 214 is a document used to separate an airman from the Regular Air Force or Air Reserve Component airmen from active duty. It provides an accurate and complete summation of active duty service at the time of transfer, release, discharge, or change of component or status while on active duty. A DD Form 214 is issued when an individual is discharged and placed on the TDRL; however, if a member is being separated from one status to continue in another (removal from the TRDL) a DD Form 214 is not issued.

### FINDINGS AND CONCLUSION

1. The application was not 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 not the victim of an error or injustice. The Board notes the applicant's active duty time ends once placed on TDRL. Furthermore, if a member is being separated from one status to continue in another (removal from the TRDL) a DD Form 214 is not issued. The Board also notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Air Force Instruction 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. 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. Therefore, the Board finds the application untimely and recommends against correcting the applicant's records.

### **RECOMMENDATION**

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-2021-02484 in Executive Session on 18 Aug 22:

, Panel Chair  
, Panel Member  
, Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 23 Jun 21.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Letter, SAF/MRBC to Applicant, dated 4 Oct 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.

**X**

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Board Operations Manager, AFBCMR