

**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2021-03356

XXXXXXXXXX

**COUNSEL:** XXXXXX

**HEARING REQUESTED:** NO

**APPLICANT'S REQUEST**

1. Her break-in-service following her separation from active duty and appointment in the Air Force Reserve be eliminated.
2. She be awarded two satisfactory years of service towards retirement from 20 May 15 through 19 May 17.

**APPLICANT'S CONTENTIONS**

Through no fault of her own, she was scolded after her date of separation (DOS) on 31 Dec 14, which resulted in a break-in-service from 1 Jan 15 to 4 May 15. Due to the delay in being scolded, her first opportunity to earn points for annual training (AT) came in Jun 17, after her R/R year had closed out, so she was not able to earn the minimum of 50 points of creditable service required for a satisfactory year. As such, the one and a half year delay in her appointment precluded her from being able to perform her AT and Inactive Duty for Training (IDTs). Additionally, as she served three and one half years on active duty, she was only credited with three years towards retirement instead of four years, which means to reach retirement, she has serve 21 years instead of 20 years. If non-paid IDT points can be added to make her Retention/Retirement (R/R) years of 20 May 15 - 19 May 16 and 20 May 16 - 19 May 17 satisfactory years, it would correct the error in her record and her time towards retirement would reflect actual time/years served.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is an Air Reserve major (0-4).

The applicant entered into credible service in the Regular Air Force on 20 May 11 and was released from active duty on 31 Dec 14 in the grade of Captain (0-3).

ARPC IMT 92, *Appointment Order*, Reserve Order, XXXX, dated 2 Nov 16, shows her appointment in the Air Force Reserve was approved by the Secretary of Defense on XXXXXXXX and her service dates were adjusted for the break-in-service.

According to the applicant's ANG/USAFR Point Credit Summary (PCARS) SURF, dated 28 Mar 22, she was credited with the following Active Duty (AD), Inactive Duty for Training (IDT), membership (MBR), and retirement points from 2015 to 2017:

R/R Year	AD	IDT	MBR	Retirement	Satisfactory
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					<b>Service (Year)</b>
**1 Jan 15 – 4 May 15	0	0	0	0	000000
**5 May 15- 4 May 16	0	0	15	15	000000
**5 May 16 – 4 May 17	0	20	15	35	000000

\*\*R/R years the applicant requests pay and points for a satisfactory service.

On 17 Jun 22, ARPC/DPTSP provided a corrected PCARS SURF, dated 14 Jun 22. This SURF indicates that the applicant’s PCARS record had been corrected to reflect that she had no break-in-service, which reset her R/R date from 0505 (5 May) to 0520 (20 May), which is the date the applicant initially entered into creditable service (20 May 2011).

<b>R/R Year</b>	<b>AD</b>	<b>IDT</b>	<b>MBR</b>	<b>Retirement</b>	<b>Satisfactory Service (Year)</b>
20 May 15 – 19 May 16	0	0	15	15	000000
20 May 16 – 19 May 17	0	24	15	39	000000

For more information, see the excerpt of the applicant’s record at Exhibit B and the advisories at Exhibit C and Exhibit E.

### **AIR FORCE EVALUATION**

ARPC/DPAR recommends granting the applicant’s request to remove her break-in-service. Based upon documentation provided by the applicant, and analysis of the facts, there is evidence of an error or injustice to her record pertaining to the break-in-service incurred going from the Regular Air Force to the Air Force Reserve and concludes that the break-in-service was due to no fault of the applicant.

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 21 Mar 22 for comment (Exhibit D), but has received no response.

### **ADDITIONAL AIR FORCE EVALUATION**

ARPC/DPTSP recommends denying the applicant’s request to be awarded two satisfactory years of service towards retirement from 20 May 15 through 19 May 17. According to the applicant’s point accounting and reporting system (PCARS), she did not adequately participate during her R/R years from 20 May 15 through 19 May 17. According to Department of Defense Instruction (DoDI) 1215.07, *Service Credit for Non-Regular Retirement*, section 3, Procedures, 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 during which a member of an Active Component (AC) or Reserve Component (RC) is credited with a least 50 retirement points. Additionally, according to Air Force Manual (AFMAN) 36-2136, *Reserve Personnel Participation*, paragraph 2.2, points may only be credited to the date a reservist actually performed the duty and to award a year of satisfactory federal service for retirement when a reservist earns a minimum of 50 points (including membership points) in their full R/R year.

As the applicant did not earn a minimum of 50 retirement points in either R/R year, in accordance with DoDI1215.07, she cannot be credited with two satisfactory years of service.

Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice.

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 22 Jul 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 ARPC/DPAR and finds a preponderance of the evidence substantiates the applicant's contentions. Specifically, the applicant, and ARPC/DPAR, have both provided ARPC IMT 92, Appointment OrderXXXXXX, dated 2 Nov 16, which is sufficient to justify granting the applicant's request to remove her break-in-service. While the Board notes the comments of ARPC/DPTSP denying relief, the Board believes a preponderance of evidence substantiates the applicant's contentions. The one and one half year delay in being scrolled precluded her from earning any AD or IDT points during her first R/R year and only a limited opportunity existed during her second R/R year. As such, she was unable to earn the minimum of 50 points necessary, in either year, to be credited with a satisfactory year towards retirement. Therefore, the Board finds the applicant incurred an injustice and 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 that:

- a. She was not released from active duty effective 31 December 2014 but on that date, she was continued on active duty until 04 May 2015, on which date she tendered her resignation, was discharged from all Regular Air Force appointments, and was released from active duty.
- b. She was credited with an additional 35 non-paid equivalent training points for Retirement and Retention year 20 May 2015 through 19 May 2016 and 11 non-paid equivalent training points for Retirement and Retention year 20 May 2016 through 19 May 2017, resulting in two (2) good years of satisfactory service.

### **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-2021-03356 in Executive Session on 12 Jul 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, w/atchs, dated 16 Oct 21.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory opinion, ARPC/DPAR, dated 8 Mar 22.  
Exhibit D: Notification of advisories, SAF/MRBC to applicant, dated 21 Mar 22.  
Exhibit E: Advisory opinion, ARPC/DPTSP, 21 Jun 22.  
Exhibit F: Notification of advisories, SAF/MRBC to applicant, dated 22 Jun 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.

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Board Operations Manager, AFBCMR