

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2021-03432

XXXXXXXXXXXXXXXXXX

**COUNSEL:** XXXXXXXX

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

His date of rank to the grade of major (O-4) be corrected to reflect 1 Apr 19 versus 2 Feb 21.

### APPLICANT'S CONTENTIONS

While serving on active duty, he was selected for promotion to major under Active Duty List (ADL) Board PXXXXA with a projected DOR of 1 Apr 19. In Feb 19, he transitioned from active duty into the Air National Guard (ANG) and was notified he would continue his rank progression and "pin on" major once his transfer was completed. In accordance with Title 10 USC 14310 and DoDI 1310.01, *Rank and Seniority of Commissioned Officers* he should have been placed on a Reserve Active Status List (RASL) with the same date as his ADL. However, this did not happen. Instead, he met a second promotion board and was promoted to major with a DOR close to two years past his initial ADL projection.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a currently serving ANG major (O-4).

According to documentation provided by the applicant, *CONGRESS.GOV, Nominations; Congressional Record Vol 164, No 101, (Senate-10 Jun 18)*, the applicant was nominated for appointment to the grade of major in the United States Air Force under Title 10 USC Section 624.

On 17 Feb 19, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant was honorably discharged.

Effective 18 Feb 19, according to National Guard Bureau Special Order Number XXXX, dated 29 Apr 20, the applicant was extended Federal Recognition in the grade of captain (O-3).

On 22 Jun 21, according to Special Order Number XXXXX, the applicant was promoted to the grade of major with a DOR of 2 Feb 21.

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

## **AIR FORCE EVALUATION**

NGB/AIPO, recommends granting the application. The applicant was approved on an Active Duty promotion list with a DOR of 1 Apr 19; however, due to an administrative oversight an Active Duty List to Reserve Active Status List scroll was not accomplished.

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 4 Mar 22 for comment (Exhibit D), 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 NGB/AIPO and finds a preponderance of the evidence substantiates the applicant's contentions. Therefore, the Board 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 his date of rank (DOR) to the grade of major (O-4) be corrected to reflect 1 April 2019.

## **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-2021-03432 in Executive Session on 6 Apr 22:

, Chair, AFBCMR  
, 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 27 Sep 21.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/AIPO, dated 17 Feb 22.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 4 Mar 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.

**X**

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*Work-Product*

Board Operations Manager, AFBCMR