



CUI//SP-MIL/SP-PRVCY
UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2021-03829

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His NGB Form 22, *National Guard Bureau Report of Separation and Record of Service*, be corrected to reflect he was retired due to a medical condition.

APPLICANT'S CONTENTIONS

He was retired with a 30 percent disability rating. His NGB Form 22 should reflect medical.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a medically retired Air National Guard (ANG) staff sergeant (E-5).

Dated 16 Sep 03, Special Order Number *Work-Product* indicates the applicant was placed on the temporary disability retired list (TDRL) in the grade of staff sergeant per AFI 36-3212, *Physical Evaluation for Retention, Retirement, and Separation* with compensable percentage for physical disability of 30 percent, effective 7 Oct 03.

On 6 Oct 03, NGB Form 22, reflects the applicant was honorably discharged from the ANG after serving 21 years, 10 months and 5 days of total service for pay. He was discharged with a narrative reason for separation of "TDRL Disability Retirement."

On 11 May 05, AF Form 356, *Informal Findings and Recommended Disposition of USAF Physical Evaluation Board*, indicates the applicant was found unfit due to his medical condition of chronic neck pain and recommended permanent retirement with a disability rating of 30 percent.

On 30 May 05, Action on Physical Evaluation Board Findings and Recommended Disposition Memo, indicates the applicant did not agree with the recommended findings and requested appearance before the Formal Physical Evaluation Board (FPEB).

On 8 Aug 05, the applicant requested to waive his earlier decision for a FPEB hearing for the purposes of concurring with the Informal Physical Evaluation Boards (IPEBs) recommendation and findings. The applicant acknowledged if the waiver was approved he had no further right to demand a formal hearing.

AFBCMR Docket Number BC-2021-03829
CUI//SP-MIL/SP-PRVCY

Controlled by: SAF/MRB
CUI Categories: SP-MIL/SP-PRVCY
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

Dated 11 Aug 05, Special Order Work-Product indicates the applicant was removed from the TDRL in the grade of staff sergeant per AFI 36-3212 with a compensable percentage for physical disability of 30 percent, effective 31 Aug 05. His active service for retirement shows 13 years and 20 days.

On 12 Aug 05, the Secretary of the Air Force directed the applicant's name be removed from the TDRL and permanently retired under the provisions of 10 USC § 1201.

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

APPLICABLE AUTHORITY/GUIDANCE

AFI 36-3212 4.14. *Retirement or Discharge Documents.*

For disability retirements, HQ AFPC/DPPD prepares and distributes, Retirement Special Order-Physically Unfit. The MPF prepares necessary documents according to Attachment 4 and enters required data into the PDS and the DJMS to complete the retirement or discharge. The MPF gives the member the documents, other than the retirement or discharge certificate, before completing final retirement or discharge processing, except when the member:

Paragraph 4.14.4 states the MPF prepares and delivers retirement documents the same as for members being permanently retired. Special provisions for DD Form 363 and AF Form 1344JA97 are in Attachment 4. When removing the member from the TDRL, HQ AFPC/DPPD prepares and mails the required orders, forms, and other documents.

AIR FORCE EVALUATION

NGB/AIPP recommends denying the application. Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice. The applicant was issued a NGB Form 22 on 6 Oct 03 with the authority and reason being TDRL. The applicant was subsequently notified on 12 Aug 05 he was being removed from the TDRL and given a permanent retirement with an effective date of 31 Aug 05. At the time the NGB Form 22 was created, the reason listed on line 23 (TDRL Disability Retirement) reflected the correct reason for separation. In accordance with AFI 36-3212, paragraph 4.14 and the member's retirement order, the applicant's unit separated him correctly. No change to the NGB Form 22 is warranted.

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 19 Jul 22 for comment (Exhibit D), but has received no response.

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 concurs with the rationale and recommendation of NGB/A1PP and finds a preponderance of the evidence does not substantiate the applicant's contentions. Therefore, the Board recommends against correcting the applicant's records.

RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, 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-2021-03829 in Executive Session on 24 Aug 22:

 <i>Work-Product</i>	Panel Chair
 <i>Work-Product</i>	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 4 Nov 21.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, NGB/A1PP, dated 14 Jul 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 19 Jul 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.

5/17/2023


Work-Product

Board Operations Manager, AFBCMR
Signed by: USAF