

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-00089

XXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

His appointment to the grade of second lieutenant (O-1) be amended to reflect 17 Dec 21, instead of 29 Dec 21 and he receive back-pay associated with the correction to his grade.

### APPLICANT'S CONTENTIONS

On 17 Dec 21, he took the Oath of Office, graduated from Officer Training School and commissioned as a second lieutenant (O-1). However, due to an administrative oversight at ARPC, his scroll was not submitted until 14 Dec 21 and was not approved by the Office of the Secretary of Defense (OSD) until 29 Dec 21. Therefore, his commissioning was not approved by OSD until 29 December 2021.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is an Air Force Reserve second lieutenant (O-1).

On 17 Dec 21, AF Form 133, *Oath of Office*, shows that the applicant was appointed a second lieutenant (O-1) in the Reserve of the Air Force.

On 6 Jan 22, ARPC IMT 92, *Appointment Order*, published XXX and shows that on 29 Dec 21 the applicant was approved by the Secretary of Defense (SecDef) for appointment to the grade of second lieutenant (O-1) in the Selected Reserve.

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

### AIR FORCE EVALUATION

ARPC/DPAR, recommends granting the application. The applicant commissioned and graduated from OTS on 17 Dec 21; however, on 14 Dec 21 it was identified that the applicant had not been properly scrolled by HQ ARPC/DPAR. As such, the applicant was immediately placed on Scroll 2518, which was SecDef approved on 29 Dec 21. On 6 Jan 22, an appointment order was created and the applicant was appointed to the Air Force Reserve on 29 Dec 21 as an officer. ARPC concludes the delay of SecDef approval was no fault of the applicant and therefore advises implementation of SAF/GCM advisory granting AFBCMR authority to adjust the Date of Appointment.

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 Jan 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 ARPC/DPAR and finds a preponderance of the evidence substantiates the applicant's contentions. Specifically, the Board notes that it was an administrative error that delayed the applicant's appointment to the Air Force Reserve and had he been properly scrolled, he would and should have been appointed on 17 Dec 21. The Board also recognizes that it is not within their authority to change the date of appointment as that authority lies solely with the Secretary of Defense. However, since the Secretary of Defense has since appointed the applicant to the grade of second lieutenant (O-1) and since it was an administrative error that prevented the applicant from otherwise being promoted to that grade on 17 Dec 21, it is within the Board's authority to change the applicant's date of rank and effective date of rank to reflect the date he took the Oath of Office. 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 that his date of rank and effective date of rank to the grade of second lieutenant (O-1) be corrected to reflect 17 December 2021, with entitlement to back pay.

### **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-2022-00089 in Executive Session on 9 Aug 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 14 Jan 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, ARPC/DPAR, w/atchs, dated 18 Jan 22.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 19 Jan 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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Board Operations Manager, AFBCMR