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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-00360

XXXXXXXXXXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

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**APPLICANT'S REQUEST**

Blocks 4a and 4b of his DD Form 214, *Certificate of Release or Discharge from Active Duty*, dated 31 Jul 83, be corrected to reflect grade/rank of captain/O-3.

**APPLICANT'S CONTENTIONS**

He needs his DD Form 214 to accurately reflect his grade/rate/rank in order to get certain Department of Veterans Association (DVA) benefits, such as burial benefits at the National Cemetery. In support of his request, he submitted documents proving his was a captain/O-3.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a retired Air Force Reserve captain (O-3).

On 7 Aug 62, the applicant was appointed a second lieutenant (O-1) in the Air Force Reserve.

On 23 Nov 73, the applicant was notified of his second non-selection for the promotion to the temporary grade of major. Being twice considered and not recommended for promotion, his separation date of 31 May 74 was established.

On 31 May 74, the applicant was discharged from the Air Force Reserve in the grade/rank of captain/O-3, having served 12 years and 23 days of active service.

On 1 Jun 74, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant enlisted in the Regular Air Force in the grade/rank of staff sergeant/E-5.

On 31 Jul 83, according to DD Form 214, submitted by the applicant, he was honorably discharged as a master sergeant/E-7, having served 21 years, 2 months, and 22 days of active service. Block 23: *Type of Separation-Retirement*, and Block 28: *Narrative Reason For Separation-Regular Airman Retired as Commissioned or Warrant Officer*.

On 1 Aug 83, according to AF Form 2652, *Retirement Special Order*, **Work-Product**, dated 30 Sep 82, submitted by the applicant, he was retired in the pay grade of captain.

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

**APPLICABLE AUTHORITY/GUIDANCE**

Title 10, United States Code, Section 1168: Discharge or release from active duty: limitation; DoDI 1336.01, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*; AFI 36-3202, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*; DD Form 214 Total Force Personnel Services Delivery Guide. The DD Form 214 is prepared in accordance with the aforementioned publications and is used to record qualifying active duty service.

Air Reserve Component (ARC) members on continuous active duty for 90 calendar days or more will be issued a DD Form 214. A DD Form 214 may also be issued to ARC members for completion of less than 90 continuous calendar days of active duty for the following reasons: (1) completion of an initial active duty for training (IADT) regardless of length of time; (2) ordered or called to active duty for support of DoD named Contingency Operation for 30 days or more; (3) or separating for cause (for ARC Airman)

### **AIR FORCE EVALUATION**

AFPC/DP2SSR recommends denying the application. After a thorough review of the applicant's Master Human Resource Records (MHRR), his DD Form 214 is correct as indicated. He was a captain in the Air Force Reserves, and according to Special Order **Work-Product**, he came onto regular active duty, 1 Jun 74, in the enlisted grade of staff sergeant. He remained on active duty as an enlisted member, attaining the grade of master sergeant until 31 Jul 83, when he was discharged from active duty in the grade of master sergeant.

The applicant was retired in the grade/rank of captain/O-3 for retired pay purposes as indicated on AF FM 2652, *Retirement Special Order*, Block 4a. This allows him to obtain an ID card and receive retired pay in the rank of captain. These orders should confirm his highest grade of captain held on active duty (performed active duty as a member of the Air Force Reserve), in order to secure appropriate burial consideration from the DVA. There is no error or injustice with the DD Form 214, issued 31 Jul 83.

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 22 Apr 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 AFPC/DP2SSR and finds a preponderance of the evidence does not substantiate the applicant's contentions. 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)*. 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-2022-00360 in Executive Session on 16 Sep 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 24 Jan 22.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory Opinion, AFPC/DP2SSR, dated 13 Apr 22.  
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 22 Apr 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