



UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-00527

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: NO

APPLICANT'S REQUEST

1. Her selection to captain from the Army Reserve be carried over to the Air Force Reserve.
2. She be credited with retirement points and pay for her time served with the Department of the Army, while she was a member assigned to the Air Force Reserve Component.

APPLICANT'S CONTENTIONS

She transferred from the Army Reserve to the Air Force Reserve on 20 Jan 17; however, her Army discharge paperwork was delayed and she did not receive her discharge order until 18 Mar 17. As such, her Army Reserve unit ordered her to attend drill during the months of Jan through Mar 17. On 28 Mar 17, the Army finally completed the discharge paperwork, but they mistakenly backdated her discharge date a full year prior to 19 Jan 16. This in turn caused her to lose a year and three months of retirement points, a debt for over \$3,000, and erroneously removed her promotion to captain that was effective in Feb 17. The Army has since fixed her discharge to reflect 19 Jan 17 and returned her the points that she earned from Jan 16 to Dec 17. However, they could not correct her record to reflect the drills she performed with the Army from Jan 17 to Mar 17, because the backdated corrections to her discharge showed that she was now assigned to the Air Force. As a result, she has been unable to recoup the \$3,000 she earned performing drills with the Army from Jan 17 to Mar 17 and her promotion to captain was backdated to 1 Oct 17 instead of 30 Sep 17 or Feb 17, when she was technically first promoted. She did what she was ordered to do and has proof of the time that she served.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

According to documents in the applicant's official military personnel record and provided by the applicant:

Her Army Reserve unit's IDT Attendance Rosters, indicate that she attended drill with the Army Reserve during the following dates: 20-22 Jan 17; 11-12 Feb 17; and 4-5 Mar 17. On 28 Mar 17, US Army Reserve Command Orders Work-Product were published and backdated the applicant's discharge effective date to 19 Jan 16.

AFBCMR Docket Number BC-2022-00527

Work-Product

Work-Product

Controlled by: SAF/MRB

CUI Categories: Work-Product

Limited Dissemination Control: N/A

POC: SAF.MRBC.Workflow@us.af.mil

On 20 Jan 17, according to Reserve Order [Work-Product] dated 22 Feb 17, the applicant was retroactively appointed to the Air Force Reserve in the grade of first lieutenant (O-2).

On 11 Jul 17, US Army Reserve Command Orders [Work-Product] were published and amended Order 17-087-00026 to reflect the applicant's discharge effective date to reflect 19 Jan 17.

On 5 Feb 17, according to US Army Human Resources Command Orders [Work-Product] dated 7 Feb 17, she was promoted to the grade of captain (O-3) in the Army Reserve with an effective date of 5 Feb 17 and a DOR of 5 Feb 17.

On 26 Sep 17, the applicant was notified by the Defense Finance and Accounting Service (DFAS) of Indebtedness to the United States Government in the amount of \$2,387.76 to recoup for the periods of 20 – 22 Jan 17, 11 – 12 Feb 17, and 4 – 5 Mar 17 due to performance past official date of separation of 19 Jan 17.

On 1 Oct 17, according to Reserve Order BA – [Work-Product] dated 24 Jan 18, the applicant was promoted to the grade of captain (O-3) in the Air Force Reserve with an effective date of 1 Oct 17 and a DOR of 1 Oct 17.

According to memoranda for record signed by her Army Reserve commander on 16 Nov 17 and 11 Apr 18, her former commander states that she participated with the Army Reserve during the months of January, February, and March of 2017; and that the debt accrued was due to her orders being published incorrectly and should be cancelled.

According to Department of the Army (DA) Form 5016, *Chronological Statement of Retirement Points*, dated 23 Jan 20, shows that she earned 5 membership points towards retirement for the time period of 7 Dec 16 to 28 Mar 17.

According to the applicant's PCARS Report, dated 7 Sep 22, for the time period of 7 Dec 16 to 19 Jan 17, she earned two (2) membership points towards retirement and for the time period of 20 Jan 17 – 6 Dec 17 she earned a total of 127 points towards retirement.

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

AIR FORCE EVALUATION

ARPC/DPTS, recommends partially granting the applicant's request and changing her DOR to 20 Jan 17. According to Air Force Instruction (AFI) 36-2504, *Officer Promotion, Continuation, and Selective Early Removal in the Reserve of the Air Force*, 9 Jan 03 (Air Force Guidance Memorandum AFGM2022-10, 10 May 22), paragraph 6.4, states that a commissioned officer who transfers between Military Services and is on a promotion list to the next higher grade, within the same competitive category, the Secretary of the Military Department concerned will integrate the officer into the promotion list of the gaining military service based on the officer's date of rank in his or her current grade in the losing military service. As such, the applicant was projected for promotion to the grade of captain in the Army Reserve with a DOR of 5 Feb 17 and in accordance with AFI-36-2504, her integrated DOR to the Air Force Reserve would have been 20 Jan 17 based upon two years time in grade from first lieutenant to captain, or the day the member was accessed into the unit, whichever is later.

In reference to the applicant's request for points, according to the Army discharge Order **Work-Product** amended by Order **Work-Product**, the applicant was discharged from the Army Reserve on 19 Jan 17. After 19 Jan 17, she was no longer a member of the Army Reserve; however, she provided pay records which indicates that she was participating in Army Reserve until 5 Mar 17. She claims that all of her pay and points performed with the Army Reserve from the date of her discharge, 19 Jan 17 through the last date that she performed duty with the Army Reserve, 5 Mar 17, was recouped because she was no longer assigned to the Army Reserve, however, her Point Credit Summary reflects that as of 20 Jan 17, she was assigned to the Air Reserve Component (ARC).

During the requested time-period, the applicant was not performing authorized duty with the ARC and the Army Reserve did not record any additional duty on the DA Form 5016. Therefore, ARPC/DPTS is unable to determine creditable service points from the Army Reserve that is not documented on the DA Form 5016. The Army Reserve must determine if service was directed, authorized, and certified as complete. Additionally, the applicant was assigned to the ARC as of 20 Jan 17 and there is no service that was documented at this time as a member of the ARC.

Based upon the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice in regards to the pay and points. She was not assigned to the Army Reserve for the period that she is requesting additional points and pay and the DA Form 5016 indicates that the Army Reserve did not authorize or approve point during the request time frame.

However, due to the fact that the applicant was selected for promotion to the grade of captain in the Army Reserve and transferred to the Air Force Reserve prior to assuming the new grade, ARPC/DPTS recommends granting the part of her request to carry over her promotion to captain in the Army Reserve to her accession into the Air Force Reserve with a DOR of 20 Jan 17.

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 6 Apr 22 for comment (Exhibit D), and the applicant responded on 26 Apr 22 (Exhibit E). In her response, she stated that she has no additional documentation to submit at this time.

The applicant's complete response is at Exhibit E.

APPLICANT'S ADDITIONAL RESPONSE

On 8 Dec 2022, the applicant provided an additional response and stated that she would like to remove the request for restoration of pay for Jan 17 through Mar 17. In this regard, the applicant received a letter from DFAS informing her that the debt originator had reviewed her account and requested termination of the collection of \$2,387.76 for the drills that she performed with the Army from Jan 17 to Mar 17. As such, the applicant still requests that she be given retirement points for the period she performed IDTs and for the correction for her captain (O-3) date of rank.

The applicant's additional response with attachment can be found at Exhibit F

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 recommendation of ARPC/DPTS and adopts their rationale to correct the applicant's date of rank to the grade of captain (O-3). In addition, while the Board notes the recommendation of ARPC/DPTS to deny the applicant's request for pay and points from Jan 17 through Mar 17, the Board further finds a preponderance of the evidence substantiates the applicant's contentions. In this regard, the Board recognizes that it was the administrative errors that precluded the applicant from being properly discharged from the Army Reserve and accessed into the Air Force Reserve. Furthermore, the applicant provided documents including a letter from her commanding officer in the Army Reserve that shows she performed drills during the periods of 20-22 Jan 17, 11-12 Feb 17 and 4-5 Mar 17. As such, since the applicant was retroactively assigned to the Air Force Reserve during the contested periods, the Board recommends the applicant be placed on Inactive Duty for Training (IDT) status with the Air Force Reserve during the days she performed duty with the Army. Additionally, based on the letter from DFAS stating they have removed the debt for the contested IDT periods, the Board recommends the applicant be awarded points only for those periods. Therefore, the applicant's records should be corrected as indicated below.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that:

1. Her date of rank and effective date of rank to the grade of captain (O-3) in the Air Force Reserve reflect 20 January 2017.
2. She was credited with two (2) non-paid equivalent training inactive duty (IDT) points for a total of 14 equivalent training points during the following periods between 20-22 January 2017; 11-12 February 2017; 4-5 March 2017.

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-2022-00527 in Executive Session on 16 Sep 22 and 11 Jan 23.

Work-Product

Panel Chair

Work-Product

Panel Member

Work-Product

Panel Member

AFBCMR Docket Number BC-2022-00527

Work-Product

Work-Product

Work-Product

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 10 Feb 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, ARPC/DPTS dated 6 Mar 22.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 6 Apr 22.
- Exhibit E: Applicant's response to advisory opinion, dated 26 Apr 22.
- Exhibit F: Applicant's additional response, w/atch, dated 8 Dec 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.

6/13/2025

X

Work-Product

Board Operations Manager, AFBCMR

Signed by:

Work-Product

AFBCMR Docket Number BC-2022-00527

Work-Product

Work-Product