



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-00552

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, reflect the 5 years he served as a cadet for a total of 25 years.

APPLICANT'S CONTENTIONS

He entered the United States Air Force Academy (USAFA) in 1960 and upon graduation in 1965, he entered the Air Force. He was informed the five prior years would be credited to his service and longevity but not for current pay or retirement pay. He believes the correction should be made to conform with the messages cadets received.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force major (O-4).

On 30 Jun 85, according to the applicant's DD Form 214, he was credited with 20 years and 22 days of active service.

Dated 8 Feb 22, the applicant submitted a DD Form 149, *Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552*. On 14 Apr 22, the Board closed the applicant's case as non-viable due to pertinent records were not available from the National Personnel Records Center (NPRC) nor provided by the applicant. The applicant was notified his case would be reopened to resume adjudication once he provided pertinent documentation. On 11 Aug 23, the applicant resubmitted a DD Form 149 and the Board staff was able to recover pertinent records from NPRC.

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, § 971 (10 U.S.C. § 971): Service credit: counting service as a cadet or midshipman is prohibited in computing length of service for any purpose for commissioned officers. Under Title 10, his cadet service is not creditable for service, longevity (pay) or towards a military retirement.

AFBCMR Docket Number BC-2022-00552

Work-Product

Work-Product

10 U.S.C. § 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 FORCE EVALUATION

AFPC/DPMLT (Service Dates) recommends denying the application. In accordance with 10 U.S.C. § 971, counting service as a cadet or midshipman is prohibited in computing length of service for any purpose for commissioned officers. Under Title 10, his cadet service is not creditable for service, longevity (pay), or towards a military retirement. Even though time spent in cadet status is not creditable for pay or active duty, it can be annotated as Total Prior Inactive Service on the DD Form 214, providing documentation is provided with specific attendance dates.

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 24 Jan 24 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/DP3SP and finds a preponderance of the evidence does not substantiate the applicant's contentions. Therefore, the board recommends against correcting the applicant's records. The Board also notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by 10 U.S.C. § 1552, United States Code, and Department of the Air Force Instruction 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence. The Board does not find it in the interest of justice to waive the three-year filing requirement and finds the application untimely.

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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2022-00552 in Executive Session on 11 Jun 24:

Work-Product

Work-Product, Panel Chair
Work-Product Panel Member
Work-Product Panel Member

All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Forms 149, w/atchs, dated 14 Feb 22 and 11 Aug 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMLT, w/atchs, dated 19 Jan 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 24 Jan 24.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

7/8/2024

Work-Product

AFBCMR Docket Number BC-2022-00552

Work-Product