

**UNITED STATES AIR FORCE  
BOARD FOR CORRECTION OF MILITARY RECORDS**

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-00748

Work-Product

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

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**APPLICANT'S REQUEST**

Recomputation of retired pay upon 62 years of age associated with the Temporary Early Retirement Authority (TERA).

**APPLICANT'S CONTENTIONS**

He was not properly briefed or notified of an expiration date to file for retirement pay adjustment. He was told to report to the base finance office with his DD Form 214, *Certificate of Release or Discharge from Active Duty*, and proof of public service employment at age 62, for adjustment.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a retired Air Force technical sergeant (E-6).

On 20 Jan 94, according to AF Form 1160, *Military Retirement Actions*, section IV, *Remarks*, the applicant acknowledged, "I understand that I must register on the Public and Community Service Registry at the Family Support Center and that my retirement cannot be consummated until my registration has been confirmed."

On 30 Sep 94, according to DD Form 214, the applicant was separated from active duty for the purpose of retirement. Item 18, *Remark*, states "*Member is retiring as provided by Section 4403 of the FY93 National Defense Authorization Act (PL 102-484) and may qualify for a recomputation of retired pay at age 62 pursuant to Section 4464 of the same law.*" He was credited with 15 years, 2 months, and 24 days of active service.

On 1 Oct 94, under Special Orders No. **Work-Product** dated 12 Mar 94, the applicant retired and was credited with 15 years, 2 months, and 24 days active service for retirement.

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

**AIR FORCE EVALUATION**

AFPC/DP2SSR recommends denying the application. Congress enacted the TERA program pursuant to the Fiscal Year 1994 National Defense Authorization Act (FY93 NDAA), which permitted selected military members to retire early with more than 15 but less than 20 years of

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active military service. Section 4464 of the FY93 NDAA allowed eligible members retired under TERA to perform public and community service (PACS) following retirement and receive credit for this service to be used to re-compute military retired pay, and where applicable, the Survivor Benefit Plan base amount when the retired member attains or would have attained 62 years of age. PACS job vacancies included education, conservation, environmental protection, law enforcement, and public health care positions.

Program management was established and announced to the Services through the Assistant Secretary of Defense (ASD) Memorandum, *Active Duty Early Retirement Policy Guidance*, dated 12 Mar 93, and the ASD Memorandum, *Implementing Procedures for TERA Programs*, dated 22 Apr 93. The Air Force also provided specific instructions to the field through a Military Personnel Flight Letter (MPFL) 93-024, *Voluntary Early Retirement Program*, dated 9 Apr 93. The Department of Defense (DoD) also provided specific information on obtaining PACS credit through DoD Instruction 1340.19, *Certification of Public and Community Service Employment of Military Retirees*, dated 17 Nov 93.

The NDAA required members retiring under TERA to register in advance of the projected retirement date on the PACS Registry maintained under Title United States Code, Section 1143a. Members were required to turn in proof of PACS to the Defense Manpower Data Center (DMDC) team no later than one year after they would have attained 20 years Total Active Federal Military Service had they been continuously on active duty. This date is referred to as the individual's Enhanced Retirement Qualification Period (ERQP). The applicant retired on 1 Oct 94 and was credited with 15 years, 2 months, and 24 days of active service; therefore, any creditable service must have been completed prior to 10 Jul 99 (the end of his ERQP). Based on the reporting instructions established by the DMDC, the applicant was required to submit a record of the creditable service within a year of that point (or 10 Jul 00). The DMDC does not have any record that the applicant applied for PACS. The law allows no provision to retroactively register for employment with PACS organizations.

Implementation instructions required all members retiring under TERA to be counseled on the PACS process. Counseling was conducted by the Airman and Family Readiness Center (then referred to as the Family Support Center). This would have been part of the DD Form 2648, *Preseparation Counseling Checklist*, which would have been stored in the applicant's personnel record. The form would have been signed by the applicant and the transition counselor from the Family Support Center. This form was not found in the applicant's record. While the checklist does not specifically reference the PACS program, at the time of the applicant's retirement, PACS counseling had been provided by the Family Support Center representatives for several years. Also, the applicant's AF Form 1160 indicates "I understand I must register on the Public and Community Service Registry at the FSC & my retirement cannot be consummated until registration has been confirmed."

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 9 May 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 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. While the applicant asserts he was not properly briefed or notified of an expiration date to file for a retirement pay adjustment, his AF Form 1160, indicates otherwise. In addition, the applicant provided no evidence he registered for the PACS program prior to retirement or that he provided the required proof of service to DMDC within the established timeframe. 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-2022-00748 in Executive Session on 2 Feb 23:

- Work-Product**, Chair, AFBCMR
- Work-Product**, Panel Member
- Work-Product**, Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 20 Feb 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2SSR, dated 4 May 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 9 May 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.

2/16/2023

X **Work-Product**

Board Operations Manager, AFBCMR

Signed by: **Work-Product**