



CUI//SP-MIL/SP-PRVCY

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-00761

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His honorable discharge from the Ohio Air National Guard be corrected to reflect Retired Reserve effective 8 Feb 21.

APPLICANT'S CONTENTIONS

In Feb 20, the applicant attempted to reenlist for two (2) years. He was warned by unit personnel that he would be non-selected for reenlistment and should apply for voluntary retirement. The applicant was formally non-selected for reenlistment and appealed the decision. In the meantime, the applicant was not offered the retirement information package or retirement counseling. His appeal was denied and he was notified by unit personnel that he had until his Expired Term of Service (ETS) of 28 Feb 21 to submit retirement paperwork. However, on 2 Feb 21, he was notified that his actual ETS was 8 Feb 21. The short notice did not allow ample time for the applicant to complete the retirement paperwork. On 28 Jan 22, the applicant learned that he had been separated on 8 Feb 21. The applicant is requesting his records be corrected and he be allowed to retire effective 8 Feb 21.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air National Guard chief master sergeant (E-9).

On 9 Nov 20, according to AF Form 418, *Selective Reenlistment Program (SRP) Consideration for Airmen*, the applicant acknowledged that he was not recommended for reenlistment by his supervisor and Unit Commander in section IV; and acknowledged his intent to appeal the decision in section V. On 3 Jan 21, the Wing Commander acknowledged the applicant's appeal was denied in section IX.

On 8 Feb 21, according to NGB Form 22, *Report of Separation and Record of Service*, the applicant was honorably discharged with twenty-two (22) years, eight (8) months, and twenty-six (26) days of total service for pay.

On 15 Feb 21, according to Memorandum for Record, the applicant's unit commander indicates that on 10 Jan 21 and 20 Jan 21, the applicant was notified that the AF Form 418 appeal had been resolved with the Wing Commander [sic] and that it was sent to the applicant for his signature and acknowledgement of the decision to deny his appeal, but that the applicant refused to sign.

**AFBCMR Docket Number BC-2022-00761
CUI//SP-MIL/SP-PRVCY**

Controlled by: SAF/MRB
CUI Categories: SP-MIL/SP-PRVCY
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

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On 8 Feb 21, according to Special Order *Work-Product*, provided by the applicant, dated 24 Feb 21, the applicant was honorably discharged from the Ohio ANG.

On 7 Jan 22, according to *Notification of Eligibility for Reserve Retired Pay at Age 60*, the applicant was notified that as of 8 Aug 18, he accumulated 3191 points and was entitled to retired pay.

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

AIR FORCE EVALUATION

NGB/A1PP, recommends granting the application. The applicant contends he had an appeal to reenlist which was denied; however, he did not receive the notification until after his Expired Term of Service (ETS) expired. The oversight resulted in the applicant being transferred to the Individual Ready Reserve before he could retire. On 12 Sep 20, the applicant received notification of non-retention, and appealed on 19 Sep 20. On 3 Jan 21, the appeal was denied and the applicant was notified on 22 Jan 21 that he had until 28 Feb 21 to apply for retirement. On 2 Feb 21, he was informed that he was given the wrong date for his ETS and his actual ETS was 8 Feb 21. The applicant was unable to apply for retirement prior to the 8 Feb 21 ETS and was separated. Based on documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. The applicant was incorrectly informed that his ETS was 28 Feb 21; and he was notified of the mistake six days prior to the actual ETS of 8 Feb 21. The errors did not afford the applicant ample time to submit his retirement application, and he was separated instead of retired.

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 27 Jun 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 NGB/A1PP and finds a preponderance of the evidence substantiates the applicant's contentions. The board found the applicant was miscounseled regarding his ETS, and was notified of the correct date without ample time to submit a retirement application. 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 on 8 February 2022 he was not discharged from the Air National Guard for Expiration of Enlistment, but instead was transferred to the Retired Reserve List with all associated benefits and entitlements.

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-2022-00761 in Executive Session on 6 Dec 22:

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|---------------------|--------------|
| <i>Work-Product</i> | Panel Chair |
| <i>Work-Product</i> | Panel Member |
| <i>Work-Product</i> | Panel Member |

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 28 Feb 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/A1PP, dated 9 May 22.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 27 Jun 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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