

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-00870

XXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

She be credited with one (1) year of satisfactory service for her retirement/retention (R/R) year 27 Jul 14 to 26 Jul 15 in the Air National Guard (ANG).

APPLICANT'S CONTENTIONS

In 2014, the applicant went on maternity leave and received a bad year because she fell short of the fifty (50) point requirement by four points. The applicant made up the four points in the following R/R year; however, they were credited in the wrong R/R year. The applicant is unwilling to wait for HQ ANG to implement the Modernizing Obstetric Medicine Standards (MOMS) Act of 2021, because it result in her being eligible for retirement on 26 Jun 23 instead of 26 Jun 22. She is requesting to have the four points retroactively placed in the previous R/R year, so that she can be remain eligible for retirement on 26 Jun 22, and retire in Jan 23.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air National Guard master sergeant (E-7).

According to the PCARS report, he was credited with the with the following Active Duty (AD), Inactive Duty for Training (IDT), membership (MBR), and retirement points from 2014 to 2016:

R/R Year	AD	IDT	MBR	Retirement	Satisfactory Service (Year)
*27 Jul 14 – 26 Jul 15	0	31	15	00046	000000
27 Jul 15 – 26 Jul 16	3	63	15	00081	010000

*Unsatisfactory Year

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 received forty-six (46) points for R/R year 27 Jul 14 to 26 Jul 15. In 2014, the applicant took maternity leave for the months of August, September, and October which resulted in her receiving insufficient points for a good R/R year in 2014, and is preventing her from being retirement eligible in Jun 22. The applicant reconciled the points through rescheduled drills; however, they were awarded in the wrong year. A review of the applicant's PCARS confirms that she did not participate in regularly scheduled drills for the months of August, September, and October, along with the birth certificate that confirms the applicant would not have been prohibited from performing duty in those months. The PCARS further confirms the applicant completed seven days in Sep 15 (3 Sep 15, 19 Sep 15, 20 Sep 15, 21 Sep 15, 22 Sep 15, 28 Sep 15, and 29 Sep 15), which were added to R/R year

27 Jul 15 to 26 Jul 16. The applicants points credit summary line should be corrected by removing 4 equivalent training points from summary line 27 July 2015 to 26 July 2016 and by adding 4 equivalent training points to the points credit summary line 27 July 2014 to 26 July 2015 for the year 2014 and correct SAT SVC to read 010000. Additionally, the applicant's total SAT SVC be corrected to read 190000.

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 4 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 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. 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 the APPLICANT be corrected to show that

Four (4) inactive duty training points in retirement/retention (R/R) year 27 July 15 to 26 July 16 be removed.

She be awarded four (4) inactive duty training points in retirement/retention (R/R) year 27 July 14 to 26 July 15; resulting in one (1) year of career satisfactory service.

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-2022-00870 in Executive Session on 12 Jul 22:

, Panel Chair
, Panel Member
, Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 7 Apr 22.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory opinion, NGB/A1PP, 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.

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Board Operations Manager, AFBCMR