

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-00899

XXXXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

### APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be corrected to reflect the following:

1. Block 12a, *Date Entered AD This Period*, be changed from 28 Sep 79 to 13 Jul 79.
2. Block 12e, *Total Prior Inactive Service*, to include service from 16 Sep 74 – 19 Nov 76.
3. He be awarded back pay for service time that was not compensated in his Air Force retirement pay calculation.

### APPLICANT'S CONTENTIONS

An error was made on his DD Form 214 when he outprocessed while assigned on his last one-year deployment at Al Udeid Air Base, Qatar. He did not have a Navy DD Form 214 or Honorable Discharge certificate with him on his deployment, for consideration and inclusion, for prior inactive service time, for Navy Reserve Officer Training Corps (ROTC) at the University of Florida when he was under a Navy ROTC scholarship. These documents were recently found.

He was unaware his 26 months as an ROTC Reservist counted toward retirement and the recent discovery of his Navy discharge certificate motivated his inquiry.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a retired Air Force colonel (O-6).

On 13 Jul 79, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant entered the Regular Air Force.

On 27 Sep 79, the applicant was furnished an honorable discharge, in the grade of staff sergeant (E-5), upon completion of Officer Basic Military Training Pre-Commissioning Course, and credited with 2 months, 15 days active service.

On 28 Sep 79, according to Special Order XXXXX, dated 20 Sep 79, the applicant was appointed as a Reserve of the Air Force in the grade of second lieutenant (O-1).

On 28 Sep 79, according to Special Order XXXXX, dated 28 Sep 79, the applicant was ordered to extended active duty.

On 31 Jul 06, the applicant was furnished an honorable discharge, with Narrative Reason for Separation of Sufficient Service for Retirement and credited with 27 year and 18 days active service.

On 1 Aug 06, according to Special Orders No. XXXXX, the applicant was retired, with 27 years and 18 days active service for retirement and service per 10 USC 1405.

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

#### **APPLICABLE AUTHORITY/GUIDANCE**

Department of Defense (DoD) 7000.14-R, *Financial Management Regulation*, Volume 7A, Chapter 1, D. *Other Creditable Service (with restrictions noted in this subparagraph and in subparagraph 010202.A)*. Include the following periods of service:

10. Service as a member of the Army, Navy, or Air Force Reserve Officers' Training Corps (ROTC), provided the member has concurrent Selected Reserve (drilling status) for duty performed on or after August 1, 1979. Also, see subparagraph 010201.D.14;

14. Prior provisions of law excluded the Simultaneous Membership Program from creditable service for commissioned officers effective October 13, 1964. Public Law 104-201, section 507, September 23, 1996, amended these provisions to provide service credit retroactive to August 1, 1979. These amendments resulted in no increase in pay, retired pay, or retainer pay before the date of enactment, September 23, 1996. Service in the program for enlisted members who retain that status remains creditable under all provisions.

#### **AIR FORCE EVALUATION**

AFPC/DP2LT recommends denying the application. According to the applicant's master personnel record, he enlisted in the Air Force on 13 Jul 79 for the purpose of attending Officer Training School, and upon completion, was discharged from enlisted status on 27 Sep 79. He was commissioned and ordered to active duty on 28 Sep 79. His pay date and Total Active Federal Military Service Date is reflected as 13 Jul 79. His retirement orders reflect the correct amount of service for Basic Pay, Active Service for Retirement, and Service per 10 USC 1405 (retirement pay multiplier), 27 years and 18 days.

While the applicant contended he was in Navy ROTC from 16 Sep 74 – 19 Nov 76, he only provided a copy of his college transcript and the Navy discharge certificate in support. These two items are insufficient documentation to prove he contracted with ROTC and when he was actually in the program. The college transcript reflects a school start date in Fall 1974 and graduation on 9 Jun 79, while his Navy discharge certificate reflects a discharge date of 19 Nov 76, which was before he graduated. While ROTC service should be annotated on the DD Form 214 as prior inactive service, the time is only creditable for pay if the member was a participant in the Simultaneous Membership Program (SMP) on or after 1 Aug 79, in accordance with DoD 7000.14-R, Vol 7A, Chap 1, Para 010201.D.10 and 010201.D.14. ROTC cadets who are participants in SMP enlist in the National Guard and actively participate in drills. SMP is primarily an Army National Guard program.

The applicant's DD Form 214 accurately reflects the *Date Entered AD this Period* as 28 Sep 79, which is the date he was commissioned and ordered to extended active duty. A separate DD Form 214 was issued for his active duty enlisted service. His overall pay and active duty service credit include all of his active service from 13 Jul 79 – 31 Jul 06, for 27 years and 18 days. There is insufficient proof of service for ROTC credit.

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 20 Jul 20 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/DP2LT and finds a preponderance of the evidence does not substantiate the applicant's contentions. Therefore, the Board recommends against correcting the applicant's records.
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 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-2022-00899 in Executive Session on 5 Oct 22:

, Chair, AFBCMR  
, Panel Member  
, Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 3 Mar 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2LT, w/atchs, dated 18 Jul 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 20 Jul 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.

**X**

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Board Operations Manager, AFBCMR