

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01017

XXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His break in service following his separation from active duty and appointment to the Air Force Reserve be eliminated.

APPLICANT'S CONTENTIONS

Through no fault of his own, the applicant had a break in service when he transferred from active duty to the Air Force Reserve. The applicant was separated from active duty on 12 Sep 21. However the Secretary of Defense (SecDef) did not approve the scroll until 27 Sep 21.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Reserve captain (O-3).

On 12 Sep 21, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant separated with five (5) years, eleven (11) months, and thirteen (13) days of active service.

On 27 Sep 21, according to Reserve Order XX-XXXX, dated 1 Nov 21, the applicant was approved by the Secretary of Defense to transfer to the Air Force Reserve.

On 30 Sep 21, according to Reserve Order XX-XXXX, dated 18 Nov 21, the applicant was gained to the Air Force Reserve.

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

AIR FORCE EVALUATION

ARPC/DPAR, recommends granting the application. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice to the applicant's record pertaining to the break in service incurred when he transferred from the Regular Air Force to the Air Force Reserve. The applicant was separated on 12 Sep 21 and assigned to a Scroll, which was approved by the Secretary of Defense on 27 Sep 21. An appointment order was created on 1 Nov 21 that appointed the applicant to the Air Force Reserve on 27 Sep 21. ARPC concludes that the break in service was no fault of the applicant and advises implementation of SAF/GCM advisory granting the AFBCMR authority to adjust the applicant's date of separation.

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 17 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 ARPC/DPAR 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 he was not released from active duty effective 12 Sep 2021 but on that date, he was continued on active duty until 26 Sep 2021, on which date he tendered his resignation, was discharged from all Regular Air Force appointments, and was released from active duty.

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-2022-01017 in Executive Session on 9 Aug 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 6 Mar 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, ARPC/DPAR, w/atchs, dated 14 Jun 22
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 17 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.

X

Board Operations Manager, AFBCMR