



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-2022-01022

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Her Entry Level Separation (ELS) discharge with an uncharacterized service characterization be changed to honorable or general (under honorable conditions).

APPLICANT'S CONTENTIONS

The time documented on her 2004 DD Form 214, *Certificate of Release or Discharge from Active Duty*, is not eligible for civilian retirement credit due to the type of character of service listed. Her eight months and two days as an enlisted service member is creditable military service for the military buy back retirement program.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force Reserve captain (O-3).

On 8 Mar 04, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant entered the Regular Air Force. On this same date, according to Special Order *Work-Product*, the applicant was assigned to *Work-Product*.

According to Special Order *Work-Product* dated 8 Nov 04, the applicant was honorably discharged on 9 Nov 04 and appointed as a Reserve officer of the Air Force in the grade of second lieutenant and ordered to extended active duty, effective 10 Nov 04.

On 9 Nov 04, according to the applicant's DD Form 214, she received an ELS with an "Uncharacterized" character of service and a narrative reason for separation of "Commissioned or Warrant in Same Branch of Service. Block 12a, *Date Entered Active Duty This Period*, indicates she was credited with eight months and two days of active service for the period. Block 14, *Military Education*, indicates "Officer Basic Military Training Precommissioning Coursers, 12wks, Nov 04."

According to a Statement of Service dated 3 Dec 04, the applicant's Total Active Federal Military Service Date (TAFMSD) and Date Initially Entered Military Service (DIEMS) is 8 Mar 04.

On 10 Nov 04, according to AF IMT 133, *Oath of Office (Military Personnel)*, the applicant was sworn in as a Second Lieutenant.

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

On 9 Jul 14, according to the DD Form 214, the applicant was released from active duty and transferred to the Air Force Reserve with an honorable character of service and a narrative reason for separation of "Force Shaping-VSP."

On 9 Jul 17, according to Reserve Order Work-Product dated 4 Aug 17, the applicant was honorably discharged from all appointments in the Air Force.

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

APPLICABLE AUTHORITY/GUIDANCE

Department of the Air Force Instruction (DAFI) 36-3211, *Military Separations*

4.9. Determining Eligibility. Eligibility for separation under this section is based on a change, or a proposed change, in a member's obligation to serve the full term of an enlistment contract.

4.9.1. A member may be separated for the following reasons:

4.9.1.3. Acceptance of a regular component or ARC commission or appointment, or acceptance into a program leading to such commission or appointment in any branch of the Military Services.

4.10. Type of Separation. Characterize the service of members separated for a reason in paragraph 4.11 through paragraph 4.18 as honorable unless an entry level separation is needed in accordance with paragraph 3.17.

4.11. Completion of Officer Training. Discharge graduates of officer training contingent on their acceptance of appointment as commissioned officers. Make the discharge effective the day before they take the oath of office as AF or SF officers. Do not deliver the discharge documents until after the oath of office has been executed. See Table 4.1 for an itemized list of reasons and authority for required separations. For more information about these separations, see AFMAN 36-2032.

Department of Defense Instruction (DoDI) 1332.14, *Enlisted Administrative Separations*

Enclosure 3 - Reasons for Separation

Section 2 - Selected Changes in Service Obligation

a. Basis. An enlisted Service member may be separated for the following reasons:

(3) Acceptance of an active-duty commission or appointment, or acceptance into a program leading to such commission or appointment in any branch of Military Services.

b. Characterization or Description. Honorable, unless the separation is under one of the following circumstances:

(1) An entry-level separation is required in accordance with Section 3 of Enclosure 4.

Enclosure 4 – Guidelines on Separation and Characterization

Section 3 - Characterization of Service or Description of Separation

c. Uncharacterized Separation.

(1) Entry-Level Separation

(a) A separation will be described as an entry-level separation if separation processing is initiated while an enlisted Service member is in entry-level status, except when:

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2. The Secretary concerned, on a case-by-case basis, determines that characterization of service as honorable is clearly warranted by the presence of unusual military duty. The characterization is authorized when the Service member is separated under Enclosure 3 by reason of selected changes in service obligation (see Section 2 of Enclosure 3).

AIR FORCE EVALUATION

AFPC/DP2SSR recommends denying the application. Based on a review of the applicant's request, there is no error or injustice with the discharge processing or the preparation of the DD Form 214. Airmen are in entry level status during the first 180 days of continuous active military service. The Department of Defense (DoD) determined if a member served less than 180 days continuous active service, it would be unfair to the member and the service to characterize their limited service.

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 31 May 22 for comment (Exhibit D) and the applicant replied on 2 Jun 22. In her response, the applicant contended the DD Form 214 in question covers a period of 247 days of continuous active military service from 8 Mar 04 to 9 Nov 04. It was not her intention to only be judged during her 12-week service at Officer Training School (OTS), but to be judged on her eight months of service as an entry level airman. It is true this service did end at OTS, but it covered a period greater than that training time. I feel like this pertinent fact was missed when my request was reviewed by the OPR.

The applicant's complete response is at Exhibit E.

REVISED AIR FORCE EVALUATION

AFPC/DP2SSR recommends granting the application. Individuals attending OTS are there in an active-duty status and therefore fall under active-duty personnel policy. AFPC has reviewed the current DAFI 36-3211 and former enlisted separations AFI 36-3208, *Administrative Separation of Airmen*, and they both offer flexibility to give OTS graduates an honorable service characterization even though they are in entry level status.

The complete advisory opinion is at Exhibit F.

APPLICANT'S REVIEW OF REVISED AIR FORCE EVALUATION

The Board sent a copy of the revised advisory opinion to the applicant on 25 Aug 23 for comment (Exhibit G) 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. While we note the conflicting advisory opinions prepared in this case; however, after thoroughly reviewing this application, the Board concurs with the rationale and recommendation of the AFPC/DP2SSR advisory opinion, dated 3 May 23 and finds a preponderance of the evidence substantiates the applicant's contentions. Specifically, the Board notes service members attending OTS are there in an active duty status and therefore, fall under the active duty personnel policy. 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 on 9 Nov 04, she was honorably discharged and furnished an Honorable Discharge certificate.

CERTIFICATION

The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2022-01022 in Executive Session on 25 Jan 23 and 19 Oct 23:

Work-Product [redacted] Panel Chair
Work-Product [redacted] Panel Member
Work-Product [redacted], Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 16 Feb 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DP2SSR, dated 9 May 22.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 31 May 22.
- Exhibit E: Applicant's response, dated 2 Jun 22.
- Exhibit F: Advisory opinion, AFPC/DP2SSR, dated 3 May 23.
- Exhibit G: Notification of advisory, SAF/MRBC to applicant, dated 25 Aug 23.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

12/6/2023

Work-Product [redacted] _____

Board Operations Manager, AFBCMR
Signed by: *Work-Product* [redacted]