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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

ADDENDUM TO RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01086-3

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COUNSEL: Work-Product

HEARING REQUESTED: NO

APPLICANT'S REQUEST

1. His Reserve retirement in the grade of lieutenant colonel (O-5) be canceled.
2. He be retired from active duty in the grade of major (O-4), effective 1 Jan 17.

RESUME OF THE CASE

The applicant is a former Air Force major and a retired Air Force Reserve O-5.

The applicant was selected by a special board (SB) for the CY11A Major Selective Continuation board. On 8 Apr 24, the applicant accepted continuation.

On 25 Apr 24, the applicant requested he be reinstated onto active duty per his selection and acceptance for continuation. However, he requested his retirement be in the grade of O-5, per his Reserve promotion.

On 23 Jan 25, the Board denied the applicant's request to warrant relief beyond reinstatement and continuation in the grade of O-4, with retirement effective 1 Jan 17 in the grade of O-4. On 3 Apr 25, SAF/MRB signed the instrument for case BC-2022-01086-2 stating the Board's recommendation for continuation at the grade of O-4 with retirement effective 1 Jan 17 would remain open for 180 days. The applicant was advised to notify the AFBCMR of his decision within the 180-day timeframe. The acceptance of the active duty continuation with retirement would result in the cancellation of his approved Air Force Reserve retirement, effective 31 Jan 19.

For an accounting of the applicant's earlier requests and the rationale of the earlier decisions, see the AFBCMR Letter and Record of Proceedings at Exhibit N.

In a letter dated 9 Apr 25, counsel acknowledged the AFBCMR decision and that it did not address all the claims and damages and is not an agreed to settlement of all claims. More specifically, the applicant earned the grade of O-5 and was in no way waiving the grade attained.

In an email dated 5 May 25, the applicant confirmed he accepts selective continuation with a 20-year active duty retirement in the grade of O-4 and concurred with the cancellation of his Reserve retirement in the grade of O-5.

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The applicant's complete submission is at Exhibit P.

APPLICABLE AUTHORITY/GUIDANCE

Per 5 U.S.C. § 5533, Dual Pay from More than One Position, an individual is not entitled to receive basic pay from more than one federal position. Receipt of military retired pay is exempt.

FINDINGS AND CONCLUSION

1. The application was timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. As recommended by the Board on 23 Jan 25 and per the SAF/MRB instrument dated 3 Apr 25, the applicant was provided an opportunity to request cancellation of his approved Reserve retirement and accept reinstatement and continuation on active duty in the grade of O-4, with an active duty retirement in the grade of O-4. On 5 May 25, the applicant informed the AFBCMR he accepted reinstatement and continuation on active duty in the grade of O-4, with a 20-year active duty retirement in the grade of O-4. Accordingly, the Board recommends the applicant's records be corrected as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show:

- a. His Reserve retirement in the grade of O-5, effective 31 Jan 19, be canceled in the military personnel data system (MilPDS).
- b. He was not discharged from active duty on 30 Nov 11, but on that date he continued to serve on active duty until 31 Dec 16.
- c. He was retired from active duty in the grade of O-4, effective 1 Jan 17.

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-2022-01086-3 in Executive Session on 23 Jan 25:

Work-Product, Panel Chair
 Work-Product Panel Member
 Work-Product, Panel Member

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

- Exhibit N: Record of Proceedings, w/ Exhibits A-M, dated 11 Feb 25.
 Exhibit O: Documentary evidence, including relevant excerpts from official records.
 Exhibit P: Applicant's response, w/atchs, dated 5 May 25.

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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.

5/16/2025

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Board Operations Manager, AFBCMR

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