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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01136

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Grade in which appointed be changed from O-1 to O-1E and be issued back pay beginning on 19 Oct 20.

APPLICANT'S CONTENTIONS

Per AF Form 133, *Oath of Office (Military Personnel)*, he was directly commissioned at the O-1E grade however, he has been receiving compensation at the O-1 grade. Commissioning as an O-1E was a condition of his decision to return to service. The documents provided as evidentiary were completed by an Air Force recruiter who was fully aware of his O-1E stipulation regarding his contract. These documents were subsequently signed and notarized by a state public official and validate his request to amend his grade and receive back pay.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a Regular Air Force Medical Service Corps second lieutenant (O-1) and a former Air National Guard staff sergeant (E-5).

On 21 Aug 15, according to NGB Form 22 EF, *Report of Separation and Record of Service*, the applicant was honorably discharged and was transferred to the Air Force Reserve to complete his military service obligation (MSO). According to his service history report, dated 19 Jan 21, he was credited with 942 retirement points.

On 24 Jun 20, according to AFRS Form 1431, *Estimated Medical Service Grade and Pay Computation Worksheet*, provided by AFPC/DP2LT, Box 12, *Applicant Is Qualified For*, reflects Appt Grade O-1E and Entry Grade O-1E. In addition, Box 5, *Statement of Understanding*, reflects the following: "I understand that this IMT does not constitute a contract. This IMT only serves as an estimate for grade, pay, and allowances. Final computation, which may differ, are performed by Air Force Personnel Center, Randolph AFB, TX."

On 24 Sep 20, DPAM Form 60, *MSC Access – Constructive Credit Computation*, reflects the following: Total Grade Credit as of Desire EAD, 16 October 2020 as 00-00-00. Grade - O1; Equal to - 2D LT; Years Constructive Service Credit - 0 Years.

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

POC: SAF.MRBC.Workflow@us.af.mil

On 29 Sep 20, according to Special Order **Work-Product** the applicant is ordered to Extended Active Duty (EAD) with an effective date of duty on or after 16 Oct 20 to attend Officer Training School from 20 Oct 20 – 11 Dec 20.

On 19 Oct 20, according to AF Form 133, he was appointed an O-1E in the Medical Service Corps. The document contains the following statement, “For record purposes date of appointment is recorded as 16 Oct 20, the EAD date”. The document reflects that the oath of office was administered by a notary public.

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

APPLICABLE AUTHORITY

Department of Defense Instruction (DoDI 1215.07), *Service Credit for Non-Regular Retirement*, 30 Jul 19 (Change 1, 17 May 21) Paragraph 3.4.f.5. Award a maximum of 365 retirement points (366 retirement points in a leap year) in any anniversary year.

AIR FORCE EVALUATION

AFPC/DP2LT recommends denying the application. Based on the documentation, Department of Defense (DoD) guidance, and analysis of the facts, there is no evidence of an error or injustice. According to DoD 7000.14-R, *Financial Management Regulation*, the applicant does not meet the eligibility requirements for the O-1E pay grade. Specifically, according to his point credit summary, he only accumulated 942 retirement points during his time in the Air National Guard (ANG) and Reserve, which is far below the 1460 points required in the DoD guidance to be eligible for the O-1E pay grade.

The applicant was an enlisted member in the ANG from 22 Aug 08 until 21 Aug 15, where upon his discharge, he transferred to the Air Force Reserve to complete his eight (8) year MOS. Subsequently, he was discharged from the Air Force Reserve as an enlisted member, on 21 Aug 16. During this time, he accumulated a total of 942 Reserve Retirement points which includes 537 days (one (1) year, five (5) months, and 27 days of active-duty service. Based upon his AF Form 133, he was commissioned as a Regular Air Force, Medical Service Corps officer in the grade of O-1E. According to Title 10 U.S.C Section 101, *Definitions*, the term **grade** means a step or degree, in a graduated scale of office or military rank, that is established as a grade by law or regulation.

The applicant signed an AFRS Form 1431, prior to entering active duty and verified his understanding of the form serving only as an estimate for Grade, Pay, and Allowances. The eligibility for the over 4 enlisted special pay is determined by the Air Force Personnel Center (AFPC) Service Dates Verification Section during the service dates verification. The applicant’s service dates were verified on 18 Mar 21.

The complete advisory opinion is at Exhibit C.

APPLICANT’S REVIEW OF AIR FORCE EVALUATION

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The Board sent a copy of the advisory opinion to the applicant on 17 Aug 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 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.

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-2022-01136 in Executive Session on 16 Sep 22:

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

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 14 Apr 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2LT, w/atchs, dated 12 Aug 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 17 Aug 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.

4/15/2025
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Board Operations Manager, AFBCMR
Signed by: Work-Product

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