

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-01229

XXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

His Initial Date of Commissioning be changed to reflect 31 December 2019 rather than 30 January 2020.

### APPLICANT'S CONTENTIONS

At the direction of the XXX, local squadron and wing commander's recommendation, his current entry date should be backdated. In support of the appeal the applicant provided an Exception to Policy Waiver for the ANG Health Professional Incentive Program with the recommendations from his chain of command to approve the waiver. The letter indicates that the applicant's recruiter advised him that he qualified for the FY19 Health Professional bonus for joining the AZ ANG in Air Force Specialty Code (AFSC) 42G, Physician Assistant. However, due to administrative errors stemming from the recruiter's lack of experience with Officer Accessions and the Medical Credentialing process the applicant's accession was delayed until 31 January 2020, which was one month after the bonus period ended on 1 December 2019.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a currently serving Air National Guard captain (O-3).

On 30 January 2020, according to AF Form 133, *Oath of Office (Military Personnel)*, the applicant was appointed captain in the Air Force Reserve.

On 30 January 2020, according to Special Order XXXX, the applicant was appointed captain in the Arizona Air National Guard.

On 19 August 2021, Special Order Number XXXX was published and shows that the Secretary of the Air Force extended Federal recognition to the applicant and established his grade as captain with the AZ ANG on 30 January 2020.

The Retrieval Applications Web (RAW) reflects the applicant's Date Assigned MPF, Date Initial Entry Military Service and Date Initial Entry Reserve Forces reflect 30 January 2020.

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

## **AIR FORCE EVALUATION**

NGB/AIPO recommends partially granting the application. The applicant presents a request for exception to policy memorandum dated 7 May 2021 from the XXXX. The ROM describes a 16-month process where a local recruiter briefed the applicant on “eligibility to receive a bonus based on the FY19 Bonus Incentive Program which later closed on 1 December 2019.” The ROM explains that administrative errors and lack of oversight due to leadership vacancies caused delays in the applicant’s processing resulting in accession on 31 January 2020, when the applicant completed his Oaths of Office on AF Form 133 and NGB 337. The exception to policy was originally denied by xxx (22 June 2021) and again by xxx (25 October 2021) stating “the member’s AFSC was not on the bonus list at the time of accession.” The denial responses explain the date of accession is one of the factors used in determining eligibility for Fiscal Year bonuses. A review of the applicant’s records reflect an Approval for Temporary Appointment of Medical Officer dated 22 January 2020.

Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice that would result in a changed initial commission date. Based on the Applicant’s Temporary Appointment letter, the earliest date the member could be considered officially gained to the Air National Guard is 22 January 2020. This date falls under FY20 eligibility; however, the applicant’s AFSC was not listed as an eligible AFSC for FY20.

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 22 June 2022 for comment (Exhibit D), and the applicant responded on 24 June 2022 indicating the xxx reported that “there was administrative errors and lack of oversight due to leadership vacancies that caused delays in the applicant’s processing.” Due to this lack of leadership, training, and knowledge on the recruitment and acquisition of a medical officer, he was subject to a significant 16-month drawn-out recruitment process. A process that normally takes six to nine months. This error and unacceptable delay from lack of leadership and training resulted in his initial commissioning date being outside of the window of the FY19 Bonus Incentive Program. He was in the window for the FY19 Bonus Incentive Program for 12 months of the recruiting process. He never delayed in any of the required paperwork or required documentation. The multiple administrative errors, delayed paperwork submission, lack of oversight and leadership from the recruiter is what pushed his initial date of accession outside the FY19 Bonus Incentive Program by eight weeks. Further, during the recruitment process, he was never informed of an expiration date of the program. This incentive was a contributing factor that influenced him joining the Air National Guard due to the excessive student loan burden from his professional training.

The applicant’s response, w/attachment, 161st MSG/CC Letter, 30 June 2022, is at Exhibit E.

## **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. While the Board notes the recommendation of NGB/AIPO to partially grant the request to change the appointment date to 22 January 2020 based on his Temporary Appointment

to the ANG, the Board disagrees. Instead, the Board finds that the purpose of a Temporary Appointment is to allow an individual to join the ANG while waiting for completion of the Federal Scroll; however, this is part of the normal onboarding process and is separate from the date Federal Recognition of Appointment is approved. Furthermore, changing the applicant's official appointment date to match the date of his Temporary Appointment would not provide the relief that he is ultimately seeking, as the 22 January 2020 date remains outside of the window of eligibility for the applicant to qualify for the FY19 Bonus Incentive Program. Therefore, the Board finds no error or injustice with the date of Federal Appointment compared to the date of his Temporary Appointment. Moreover, in respect to the applicant's original request to backdate his appointment date from 30 January 2020 to reflect 31 December 2019, the Board notes that the authority to appoint commissioned officers lies solely with the Secretary of Defense and/or the President of the United States. In this regard, the ability to approve such a correction is not within the Board's authority. Therefore, the Board recommends against correcting the applicant's record.

### **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-2022-01229 in Executive Session on 12 July 2022 and 20 January 2023:

- , Panel Chair
- , 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 31 March 2022.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/A1PO, w/atchs, dated 21 June 2022.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 22 June 2022.
- Exhibit E: Applicant's Response, w/atc, dated 24 June 2022.

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