

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01624

XXXXXXXXXXXXXXXXXX

COUNSEL: NONE

APPLICANT'S REQUEST

HEARING REQUESTED: NO

His record be corrected to allow him to receive separation pay.

APPLICANT'S CONTENTIONS

Prior to his discharge, he attempted to find out what he needed to do to receive HYT separation pay. Personnel, Finance, or Separations staff were unable to advise him of a solution, only that he was missing a line on the back of his discharge orders. Eleven days after his discharge, via the myPers website, he was advised he could not be paid HYT separation pay because he did not separate in May 22. He was further advised to submit an online form (change in records) which he has multiple times, but he has not received any feedback. This matter could have been an easy fix by changing his separation date, but no one knew the requirements of HYT separation pay.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an honorably discharged Air Force senior airman (E-4).

On 8 May 12, according to DD Form 214, *Certification of Release or Discharge from Active Duty*, the applicant entered the Regular Air Force.

On 30 Apr 22, according to DD Form 214, the applicant was honorably discharged, having served 9 years, 11 months, and 23 days of active service. His separation code and corresponding narrative reason for separation is KBK, *Completion of Required Active Service*.

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

AIR FORCE EVALUATION

AFPC/DP2SSR recommends granting the application. Based on their review of the applicant's master personnel records and his requested relief, there is an error or injustice with his discharge processing. The applicant reenlisted in the Air Force on 31 Oct 19 for 2 years and 6 months, establishing 30 Apr 22 as his date of separation/expiration term of service. His HYT date was 8 May 22. In accordance with AFI 36-3208, *Administrative Separation of Airmen*, if the member's HYT renders them ineligible for promotion testing and they cannot obtain the required retainability for a Permanent Change of Station assignment, the member may be separated prior to the HYT date without forfeiture of separation pay. The applicant met the criteria indicated in AFI 36-3208

and should have been separated on 30 Apr 22, with the separation code and corresponding narrative reason for separation of LCC, *Reduction in Force*, (used for HYT), which allows for entitlement to separation pay. The applicant must complete the *Individual Ready Reserve (IRR) Agreement Conditional for Enlisted Separation Pay* document (attached to advisory), that will permit the Defense Finance and Accounting Service (DFAS) to make payment. Granting this request will also require a change to the applicant's DD Form 214.

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 20 Jul 22, for comment (Exhibit D), and the applicant replied on 15 Aug 22. In his response, the applicant provided a signed IRR agreement document.

The applicant's complete response 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 the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DP2SSR and finds a preponderance of the evidence substantiates the applicant's contentions. Specifically, the applicant met AFI 36-3208 criteria to be separated prior to his HYT date without forfeiture of separation pay and he has provided a signed IRR Agreement permitting DFAS to issue him separation pay. 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 30 Apr 22, he separated with a separation code and corresponding narrative reason for separation of LCC, *Reduction in Force*, making him eligible for separation pay.

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-2022-01624 in Executive Session on 16 Mar 23:

, Panel Chair
, Panel Member
, Panel Member

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

- Exhibit A: Application, DD Form 149, dated 9 Jun 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DP2SSR, dated 15 Jul 22.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 20 Jul 22.
- Exhibit E: Applicant's response, dated 15 Aug 22.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings pertaining to Docket Number BC-2022-01624, as required by DAFI 36-2603, paragraph 4.12.9.

X

Board Operations Manager, AFBCMR