

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01834

XXXXXXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Correct his official military personnel records to reflect his appointment to the Air Force Reserve Individual Ready Reserve (IRR), in the rank of captain (O-3), without a break in service.

APPLICANT'S CONTENTIONS

He was involuntarily separated from the Regular Air Force on 30 Sep 20, for two non-selections to the rank of major (O-4). In accordance with Department of Defense Instruction 1332.29, *Involuntary Separation Pay (Non-Disability)*, he signed an agreement to serve at least three years in the IRR as a condition of receiving his involuntary separation pay.

His separation orders have the box checked for transfer to the IRR; however, a recent inquiry with the Total Force Service Center revealed he was not appointed to the IRR upon separation from active duty. Per that same inquiry, the Air Reserve Personnel Center (ARPC) is not able to correct his record to reflect appointment to the IRR and application for correction must be made via the Air Force Board for Correction of Military Records (AFBCMR). This correction of his records will allow him to fulfill the three-year obligation to the IRR he agreed to and not jeopardize his involuntary separation pay.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving captain (O-3) in the Air Force Reserve IRR.

On 30 Sep 20, according to AF IMT 100, *Request and Authorization for Separation*, dated 10 Aug 20, the applicant was released from active duty and transferred to the Reserve of the Air Force.

On 30 Sep 20, the applicant was furnished an honorable discharge, with Command to Which Transferred: USAFR, Narrative Reason for Separation: Non-Selection, Permanent Promotion, and credited with 9 years, 1 month, and 1 day active service.

On 20 Nov 20, according to Reserve Order XXXXXX, dated 18 Jul 20, the applicant was appointed to the Air Force Reserve.

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

AIR FORCE EVALUATION

AFPC/DP2SSR provided an advisory for information only. Review of the applicant's record reveals as a twice non-select for promotion, he agreed to serve in the IRR for three years in order to receive separation pay. He should have been postured for a Reserve commission through the IRR effective the day after his separation from the Regular Air Force. The Military Personnel Data System (MILPDS) database would have flowed his electronic record to the IRR to identify the applicant for a Reserve commission. A review of the database shows the technician did not perform the update to flow his record. This is an error on part of the Air Force. Unfortunately, the Air Force is not able to perform an update to the MILPDS database two years after separation; however, since the applicant did receive separation pay and agreed to serve in the IRR, his record needs to be corrected via the IRR.

The complete advisory opinion is at Exhibit C.

ARPC/DPAR recommends granting the application. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice to the applicant's record pertaining to the break in service incurred when transferring from the Regular Air Force to the Air Force Reserve. ARPC concludes the break in service was not the applicant's fault; therefore, advises implementation of SAF/GCM (Air Force General Counsel) guidance granting the AFBCMR authority to adjust the applicant's date of separation. Correction of the applicant's date of separation to reflect 19 Nov 20 will result in correction to his date of rank and service dates as listed in this advisory.

The complete advisory opinion is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent copies of the advisory opinions to the applicant on 6 Sep 22, for comment (Exhibit E) 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. The Board concurs with the rationale of ARPC/DPAR and finds a preponderance of the evidence substantiates the applicant's contentions. Specifically, MILPDS was not timely updated to prevent a break in service, resulting in the applicant's 20 Nov 20 appointment to the Air Force Reserve. 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 he was not released from active duty on 30 September 2020, but on that date, he was continued on active duty until 19 November 2020, on which date he tendered his resignation, was discharged from all Regular Air Force appointments, and was released from active duty.

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-2022-01834 in Executive Session on 19 Jan 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, w/atchs, dated 6 Jul 22.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory opinion, AFPC/DP2SSR, dated 2 Aug 22.
Exhibit D: Advisory opinion, ARPC/DPAR, atchs, dated 1 Sep 22.
Exhibit E: Notification of advisory, SAF/MRBC to applicant, dated 6 Sep 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.

X

Board Operations Manager, AFBCMR