

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01837

XXXXXXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

1. His rank of senior master sergeant (E-8) be reinstated.
2. He receive the associated back pay and benefits for the period of 20 Aug 17 to 17 Jul 22.

APPLICANT'S CONTENTIONS

In Aug 17, he was serving as a Title 32 technician when he was command directed from his E-8 position to a master sergeant (E-7) position. He was forced to remove a stripe but did not sign any voluntary demotion paperwork, nor was he requested to do so.

In Mar 22, while waiting for his retirement documentation from ARPC, he was notified there was no documentation on file concerning his rank change or demotion. It appears he was demoted in the military personnel data system (MilPDS) without an official order, in violation of his due process rights. The demotion negatively affected the last five years of his military service as well as his mental and physical health. The demotion was not for cause. He was instructed to resubmit his retirement application for retirement in the rank of senior master sergeant and to apply to the AFBCMR for correction of his grade and back pay.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force Reserve master sergeant (E-7), awaiting retired pay at age 60.

Per Special Order dated 27 Nov 13, the applicant was promoted to pay grade E-8, with effective date and date of rank (DOR) 30 Nov 13.

The applicant's DD Form 4, *Enlistment/Reenlistment Document Armed Forces of the United States*, dated 18 Apr 16, reflects he reenlisted in the ANG for a period of six years in pay grade E-8.

AF Form 2096, *Classification/On-the-Job Training Action*, dated 11 Aug 17, shows the applicant's Control Air Force Specialty Code (CAFSC) was changed from 1P091 (Aircrew Flight Equipment Superintendent) to 3E611 (Civil Engineer Operations Apprentice), effective 20 Aug 17. There are no remarks to show rationale for the change.

Per his NGB 22, *National Guard Report of Separation and Record of Service*, issued 16 Jul 22, he was honorably discharged from the ANG in pay grade E-7 on 16 Jul 22.

Per Special Order XXXXX dated 21 Jul 22, the applicant was honorably discharged from the ANG effective 16 Jul 22 and transferred to the Air Force Reserve Retired List, effective 17 Jul 22, in pay grade E-7.

The applicant provides memorandums for record (MFR) from the State ANG personnel superintendent and the director of personnel dated 8 Jun 22 and 16 Jun 22, respectively, stating their office was responsible for processing the demotion order but was unable to locate any orders documenting the applicant's demotion to E-7. They exhausted all efforts to locate the demotion order.

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

AIR FORCE EVALUATION

NGB/A1PP recommends granting the application. The applicant's demotion was not processed nor documented correctly in accordance with AFI 36-2502, *Enlisted Airman Promotion/Demotion Programs*, paragraph 11.4.4.1.1.

An AF Form 2096 was completed to move the applicant with an effective date of 20 Aug 17. The unit commander and the force support squadron (FSS) superintendent signed the form. However, the applicant did not sign the AF Form 2096. The move forced the applicant to remove a stripe. When the applicant applied to retire effective 17 Apr 22, the applicant and the FSS were notified by ARPC there was no documentation on file concerning the demotion. The FSS and the State ANG searched their archives and there was no evidence found of a demotion order or any memorandum notating he agreed to the demotion. The MFRs were provided to account for the error.

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 29 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 the victim of an error or injustice. The Board concurs with the rationale and recommendation of NGB/A1PP and finds a preponderance of the evidence substantiates the applicant's contentions. In this respect, the Board notes the applicant's administrative demotion for change in duty position was not completed in accordance with AFI 36-2502 and there is no documentation to substantiate the applicant concurred with the voluntary demotion as required. Therefore, in the interest of justice, the Board recommends correcting the applicant's records as indicated below.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

RECOMMENDATION

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

- a. His rank of senior master sergeant (E-8), with date of rank and effective date for promotion of 30 Nov 13 be reinstated.
- b. He receive back pay and associated benefits for pay grade E-8, effective 17 Aug 17 to 16 Jul 22.
- c. His NGB 22, *National Guard Report of Separation and Record of Service*, issued 16 Jul 22, Item 5a, Rank, be amended to show senior master sergeant and Item 5b, Pay Grade, show E8.
- d. Special Order, XXXXX dated 21 Jul 22, be amended to show he was honorably discharged from the ANG effective 16 Jul 22 and transferred to the Air Force Reserve Retired List effective 17 Jul 22 in the rank of senior master sergeant (E-8).

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-2022-01837 in Executive Session on 11 Oct 22:

, 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 22 Jun 22.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory opinion, NGB/A1PP, dated 18 Aug 22.
Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 29 Aug 22.

Taken together with all Exhibits, this document constitutes