

RECORD OF PROCEEDINGS

IN THE MATTER OF:

XXXXXXXXXXXXXX

DOCKET NUMBER: BC-2022-01892

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His mandatory separation date (MSD) be 1 Aug 23.

APPLICANT'S CONTENTIONS

On 12 Aug 19, he was promoted to lieutenant colonel (O-5). As a result of an administrative error not due to his own fault, the military personnel data system (MilPDS) did not show an MSD. Since there was no MSD, his unit could not request an MSD extension. In May 22, NGB/A1 advised an AFBCMR application was required to establish an MSD and an MSD extension. The adjutant general (TAG) concurs with his request.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a lieutenant colonel (O-5), chaplain, in the Air National Guard (ANG).

His statement of service dated 8 Aug 04 reflects no date of separation (DOS) at the time of his commissioning.

The MilPDS shows his DOS is 1 Feb 26; however, there is no MSD.

Per special order dated 12 Aug 19, the applicant was promoted to the rank of lieutenant colonel in the ANG with DOR and effective 12 Aug 19.

The applicant provides a memorandum from his TAG dated 3 Jun 22, recommending the applicant's MSD be extended to 1 Aug 23 per 10 U.S.C. § 14703(b).

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 approval. Due to an administrative oversight, the applicant's MSD was not updated due to no fault of his own and the oversight prevented the applicant from properly requesting an MSD extension. The applicant's MSD should be updated to reflect 1 Aug 20 to be in legal compliance with 10 U.S.C. § 14507, which establishes 28 years commissioned service for officers in the grade of O-5. His MSD should then be extended for three years from 1 Aug 20 to 1 Aug 23 in accordance with 10 U.S.C. § 14703, authorizing retention of chaplains and officers in medical specialties until a specified age.

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 6 Sep 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. The Board notes on 3 Jun 22, the applicant's TAG recommended the applicant's MSD be extended to 1 Aug 23; however, an administrative error due to no fault of the applicant precluded the processing and approval of the MSD extension. Therefore, 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 mandatory separation date (MSD) in the MilPDS reflect 1 Aug 20 in accordance with 10 U.S.C. § 14507.
- b. On 12 Aug 19, his MSD was extended to 1 Aug 23 in accordance 10 U.S.C. § 14703.

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-2022-01892 in Executive Session on 8 Nov 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 18 Jul 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/A1PP, dated 31 Aug 22.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 7 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