



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01961

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His military record be corrected to reflect Reserve Retired status.

APPLICANT'S CONTENTIONS

He served more than 20 years in the military and should receive all benefits, entitlements, and payment due to a retired military member with over 26 years of service.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force Reserve (AFR) master sergeant (E-7).

As of 10 Jul 01, according to the Notification of Eligibility for Retired Pay at Age 60 and Audit of Retirement Points memo dated 5 Nov 01, the applicant accumulated sufficient points for retired pay.

On 2 Feb 07, according to AF Form 100, *Request and Authorization for Separation*, the applicant was relieved from the Headquarters Air Force Reserve with character of service as honorable.

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

APPLICABLE AUTHORITY/GUIDANCE

Air Force Instruction (AFI) 36-3203, *Service Retirements*, paragraph 9.3. *Former Members*. A former member is an individual who qualified for retirement but elected not to transfer to the retired reserve and was subsequently discharged for physical disqualification, misconduct, upon expiration of the member's contract, or resigned the officer's commission. These members have no military status but are authorized certain entitlements and benefits in accordance with AFI 36-3026V1_IP, *Identification Cards for Members of the Uniformed Services, Their Eligible Family Members, and Other Eligible Personnel*.

According to paragraph 9.4.10, transfer to the retired reserve is not automatic. The following members must apply online through vPC: 1) AFR members who meet retirement eligibility

AFBCMR Docket Number BC-2022-01961

Work-Product

Controlled by: SAF/MRB

Work-Product

Limited Dissemination Control: N/A

POC: SAF.MRBC.Workflow@us.af.mil

requirements of 10 U.S.C. § 12731 except for attainment of age 60; 2) AFR members not on EAD who have been found physically disqualified are transferred to the retired reserve if the members apply and meet the requirements outlined in 10 U.S.C. § 12731. Effective date will be 30 days from the date of application; or 3) AFR members whose selective early removal from the RASL [Reserve Active] Status List as directed by the Secretary of the Air Force.

AFI 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*, dated 14 Apr 05. Paragraph 1.2.1. *Former Members*. All members who are eligible for transfer to the Retired Reserve and choose discharge must be formally counseled concerning this policy and its effects on their benefits.

AIR FORCE EVALUATION

ARPC/DPTT recommends denying the application. Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice. There was not an attempt from the applicant to apply for a Reserve retirement upon being discharged. HQ ARPC Retirement Eligibility Section reviewed the applicant's Military Personnel Record and found the applicant was relieved from Headquarters Air Force Reserve effective 2 Feb 07 with character of service as honorable. The applicant did not submit an application to transfer to the Reserve retired list prior to being discharged and becoming a former member in accordance with AFI 36-3203, *Service Retirements*, paragraph 9.3. The applicant is eligible for a former member identification card at this time and is still eligible to apply for Reserve retired pay at age 60, or earlier if approved.

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. While the Board notes the recommendation of ARPC/DPTT against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions. The Board finds that if the applicant had known the proper procedures for applying for a Reserve retirement, he would have adhered to them, since he served sufficient time to be eligible for a Reserve retirement. To deny relief in this circumstance would be to place the application over process, to the detriment of the applicant. Therefore, the Board recommends correcting the record as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that he was not discharged from the Air Force Reserve on 2 Feb 07, but on that date, he was assigned to the Retired Reserve Section, and his name was placed on the Retired Reserve List, and he was eligible for retired pay at age 60 effective 11 Aug 22, under the provisions of Title 10, United States Code, Section 12731.

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-2022-01961 in Executive Session on 26 Apr 23:

Work-Product, Panel Chair
Work-Product, Panel Member
Work-Product, Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 8 Apr 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, ARPC/DPTT, w/atchs, dated 26 Aug 22.
- Exhibit D: 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 DAFI 36-2603, paragraph 4.12.9.

1/1/2024

Work-Product

Work-Product

Board Operations Manager, AFBCMR

Work-Product