

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02024

XXXXXXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

1. Her effective date of rank (DOR) for major (O-4) be 1 Dec 18 to match her corrected DOR of 1 Dec 18.
2. She receive retroactive back pay for 2 years, 1 week and 5 days (1,047 days).

APPLICANT'S CONTENTIONS

On 7 Jul 22, NGB/A1 corrected her DOR for major in the military personnel data system (MilPDS) to reflect 1 Dec 18 but was unable to backdate her effective date of promotion.

She was gained into the State Air National Guard (ANG) on 15 Feb 17 with the incorrect pay date, DOR and service dates. She graduated from the United States Air Force Academy (USAFA) on 29 May 90 and remained in the Air Force until 14 Aug 99. However, she was gained into the ANG on 15 Feb 17 as a new accession without any constructive service credit (CSC) for her prior service. Two case management system (CMS) actions were initiated on 30 Nov 07 and 5 Dec 20 to correct the errors. However, it was not until 7 Jul 22 that NGB/A1 corrected her DOR and appointment.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a major in the ANG.

The applicant served a prior period of active duty in the Regular Air Force from 30 May 90 to 14 Aug 99. She was honorably discharged for completion of required active service and credited with 9 years, 2 months and 15 days of active duty service.

NGB/A1PO Approval for Temporary Appointment of Medical Officer Memorandum, dated 3 Feb 17 reflects she would receive CSC for her prior service and her DOR would be backdated 5 years, 2 months and 14 days from the date of appointment.

On 15 Feb 17, the applicant was appointed in the ANG in the rank of captain (O-3).

MilPDS shows the applicant's DOR for the rank of major is 1 Dec 18. Her effective date of promotion reflects as 13 Oct 21.

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

AIR FORCE EVALUATION

NGB/AIPO recommends adjusting the applicant's promotion effective date to 1 Dec 18 to align with her DOR. The applicant was accessed into the State ANG on 15 Feb 17. According to the memorandum dated 3 Feb 17, the applicant's approval for temporary appointment identified her DOR to be backdated to 1 Dec 11 (5 years, 2 months and 14 days). On 28 Oct 21, the State opened a myPers ticket recognizing the applicant was gained incorrectly and the DOR was not entered into MilPDS to reflect the date of 1 Dec 11. Consequently, this prevented the applicant from being eligible for the CY18 ANG Line and Nonline Lieutenant Colonel and Major Selection Boards that convened on 23 Apr 18.

ANGI 36-2504, *Federal Recognition of Promotion in the ANG and as a Reserve of the Air Force Below the Grade of General Officer*, defines, DOR as the statutory language for establishment of the date an officer begins time in grade. The definition for the effective date of promotion is the date announced in Federal recognition orders and entered in the MilPDS on which an officer can begin to wear a higher grade insignia.

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 17 Nov 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/AIPO and finds a preponderance of the evidence substantiates the applicant's contentions. The Board notes the applicant was accessed into the ANG without CSC for her more than 9 years of service in the Regular Air Force as indicated on the Temporary Approval for Temporary Appointment of Medical Officer Memorandum dated 3 Feb 17. Accordingly, the Board recommends the applicant's effective date of promotion for the rank of major be corrected to match her DOR of 1 Dec 18 and she receive any retroactive back pay and allowances she may be entitled to receive. 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:

- a. Her effective date of promotion to the rank of major (O-4) be 1 Dec 18, instead of 13 Oct 21.
- b. She receive any retroactive back pay and allowances.

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-2022-02024 in Executive Session on 2 Feb 23:

, Chair, AFBCMR
, 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 7 Aug 22.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory opinion, NGB/A1PO, dated 3 Nov 22.
Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 17 Nov 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.

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Board Operations Manager, AFBCMR