

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02115

XXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His Mandatory Separation Date (MSD) be approved to reflect 31 July 2023 or 30 June 2024 if an MSD extension of three years is approved.

APPLICANT'S CONTENTIONS

He attempted to apply for an MSD extension in February 2021 prior to age 62 but was informed by the XXX that his MSD had been extended to 31 July 2023, and he was not required to file an extension request. On 13 May 2022, he was informed by the XXX that the MSD of 31 July 2023 was erroneously updated in MilPDS, and he would need to apply for a "Sanctuary" request to reach his 20-year service date of 2 August 2022, and then apply for an MSD extension.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air National Guard (ANG) lieutenant colonel (O-5).

According to the Retrieval Applications Website (RAW) Surf, the applicant's ANG MSD reflects 31 July 2021.

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 attempted to apply for an extension to his MSD in February 2021, prior to the age of 62. At that time, he was informed by the XXX that his MSD had already been extended to 31 July 2023 and therefore an extension was not required. On 13 May 2022, he was informed by the XXX that the MSD of 31 July 2023 was erroneously updated in MilPDS, and he should apply for a "Sanctuary" request to reach 2 August 2022 (20 years of satisfactory service), and then apply for an MSD extension. NGB/A1PP has confirmed that IAW 10 USC 14509, the applicant's MSD should have been established to the last day of the month in which he became 62 years of age; that date should have been 31 July 2021. Because the applicant's MSD was erroneously updated by the XXX to reflect 31 July 2023, the applicant continued to serve. Upon NGB/A1PP discovery of the error, the applicant was told that he must stop performing duty and an AFBCMR must be submitted to allow for an extension of his expired MSD.

Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. It is no fault of the applicant that he has an expired MSD. The XXX

erroneously updated the applicant's MSD beyond the age of 62. Had the applicant's MSD been set correctly at age 62 (31 July 2021), he would have submitted an MSD Extension as originally planned. If an extension of his MSD is not approved, the applicant will incur a debt at the time of separation.

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 23 September 2022 for comment (Exhibit D), and the applicant provided approval recommendations from his chain of command and other documentation.

The applicant's complete response is at Exhibit E.

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. Therefore, the Board recommends correcting the applicant's record as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show on 24 May 2022 he requested a waiver of his Mandatory Separation Date, and his request was approved by competent authority pursuant to Title 10, United States Code (U.S.C.), § 14703, thereby establishing a new Mandatory Separation Date of 31 July 2024.

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-2022-02115 in Executive Session on 8 November 2022:

, 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 14 August 2022.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/A1PP, w/atchs, dated 8 September 2022.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 23 September 2022.
- Exhibit E: Applicant's supporting documents.

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