



CUI//SP-MIL/SP-PRVCY

**UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS**

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2022-02248

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

She be awarded drill and annual tour points for the period of 22 Apr 21 to 25 Jul 22 for satisfactory service.

APPLICANT'S CONTENTIONS

She submitted a prior AFBCMR application (BC-2022-01244) for reinstatement into the State Air National Guard (ANG) due to an erroneous separation. She was reinstated in the ANG in Jul 22 and requests points for the months she was denied the opportunity to drill.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a captain (O-3) in the ANG.

Per Special Order dated 21 Sep 18, the applicant was granted Federal Recognition in the State ANG, effective 24 Mar 17.

On 30 Mar 21, the applicant applied for a conditional release transfer to the Air Force Reserve (AFR) per AF Form 1288, *Application for Ready Reserve Assignment*, dated 30 Mar 21.

Special Order dated 19 Apr 21 and the applicant's NGB 22, *Report of Separation and Record of Service*, reflect the applicant was discharged from the ANG on 22 Apr 21 for transfer to the Air Force Reserve, effective 23 Apr 21.

In an email dated 21 Apr 21, AFR informed the applicant's unit she would not be transferring to the AFR effective 23 Apr 21 and that she would remain in her ANG unit.

On 29 Apr 21, the applicant's ANG force support squadron (FSS) informed AFR they received the notification that the applicant would not be transferred two days after ARPC had already approved the separation and created orders. The separation was already processed.

On 18 Jul 22, the AFBCMR administratively closed the applicant's prior case (BC-2022-01244) for erroneous separation from the ANG stating she had failed to exhaust administrative avenues of relief prior to applying to the AFBCMR.

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Controlled by: SAF/MRB
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Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

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The applicant's point credit accounting and reporting system (PCARS) record shows she has 46 points for her retention/retirement (R/R) year 22 Nov 20 to 21 Nov 21 and 31 points for her R/R year 22 Nov 21 to 21 Nov 22.

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

APPLICABLE AUTHORITY/GUIDANCE

AFMAN 36-2136, *Reserve Personnel Participation*, paragraph 1.4, 50 points or more per R/R year is required for satisfactory participation.

AIR FORCE EVALUATION

NGB/A1PP recommends granting the request. The applicant filed a previous AFBCMR case (BC-2022-01244), seeking to be reassigned to the State ANG after a conditional request to transfer to the AFR was declined three days prior to the assessment date. The declination by AFR should have voided the applicant's separation from the ANG; however, the FSS executed her separation from the ANG early. The separation action resulted in her being placed in a status where she could not be reassigned into the ANG. Further, the applicant's ANG unit refused to provide a memorandum for record (MFR) stating that the applicant's separation be canceled and that she remain in the wing. The applicant and the AFR recruiter's attempts to cancel the separation were unsuccessful. On 1 Aug 22, NGB/A1PP facilitated a resolution for the applicant to be reassigned to the State ANG.

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 Oct 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 finds the applicant's erroneous separation from the ANG resulted in her being denied the opportunity to participate for points due to no fault of her own. Accordingly, the Board recommends the applicant be awarded sufficient unpaid participation points to show 50 participation points for the applicant's R/R years ending 20 Nov 21 and 21 Nov 22 as requested. The Board finds the award of the additional unpaid points for the period she did not participate is in the interest of justice and is proper and fitting relief. 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 the APPLICANT be corrected to show she be awarded sufficient unpaid participation points for a total of 50 points for R/R year ending 21 Nov 21 and R/R year ending 21 Nov 22; resulting in receiving an additional two (2) good years of career satisfactory service.

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-2022-02248 in Executive Session on 6 Dec 22:

Work-Product [Redacted] Panel Chair
Work-Product [Redacted] Panel Member
Work-Product [Redacted] Panel Member

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

- Exhibit A: Application, DD Form 149, dated 11 Oct 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, NGB/A1PP, w/atchs, dated 11 Oct 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 17 Oct 22.
- Exhibit E: Prior AFBCMR case (BC-2022-01244)

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.

4/8/2024

Work-Product [Redacted]

Board Operations Manager, AFBCMR

Work-Product [Redacted]