



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

### ADDENDUM TO RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-02266-2

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

The Board reconsider his request for a 20-year active-duty retirement, effective 1 Nov 21.

In his response, he amended his request for award of enough points to qualify for an active-duty retirement effective 1 Dec 21.

### RESUME OF THE CASE

The applicant is a former Air National Guard (ANG) technical sergeant (E-6) who was honorably discharged on 31 Oct 21.

On 18 May 23, the Board considered and partially granted his request concluding the applicant was the victim of an error or injustice. The Board concurred with the rationale and recommendation of NGB/A1PP and found the applicant's active guard and reserve (AGR) order while he was in sanctuary was wrongfully curtailed on 28 Feb 21. The applicant then underwent an administrative discharge board, which was ultimately submitted to NGB/A1 with insufficient time to process the package to SAF/MRB to allow for a final determination. The applicant subsequently separated on his expiration term of service (ETS) on 31 Oct 21. NGB/A1PP advised, the applicant should have been retained on his AGR order while the administrative discharge package was routed to the Secretary of the Air Force (SecAF) for a final determination per Title 10 U.S.C. Section 12686, under regulations to be prescribed by the Secretary concerned, which shall be as uniform as practical, a member of a reserve component who is on active duty (other than for training) and is within two years of becoming eligible for retired pay or retainer pay under a purely military retirement system (other than the retirement system under chapter 1223 of this title), may not be involuntarily released from that duty before he becomes eligible for that pay, unless the release is approved by the Secretary. Additionally, the applicant's counsel provided applicable authority excerpts and arguments which were sufficient to justify granting the applicant's request to have his AGR order extended until 31 Oct 21, which was the date of his expiration term of service. However, for the remainder of the applicant's request, the evidence presented did not demonstrate an error or injustice; therefore, the Board found no basis to recommend granting the applicant's request to extend his AGR order until 31 Jan 22. The Board found the applicant's Adjutant General

**AFBCMR Docket Number BC-2022-02266-2**

Controlled by: SAF/MRB  
CUI Categories: [REDACTED]  
Limited Dissemination Control: N/A  
POC: [SAF.MRBC.Workflow@us.af.mil](mailto:SAF.MRBC.Workflow@us.af.mil)

(TAG) was the final authority for determining whether individuals will be separated from the AGR program and had the authority to separate the applicant on his ETS of 31 Oct 21.

For an accounting of the applicant's original request and the rationale of the earlier decision, see the AFBCMR Letter and Record of Proceedings at Exhibit I.

On 13 Sep 24, the applicant requested reconsideration of his request for a 20-year active-duty retirement. He contends his previous AFBCMR case corrected the error and moved his total active federal military service (TAFMS) to 20 years, effective 1 Nov 21. Since he is required to apply for retirement before he separated but could not do so until the Board made the correction, he is asking to be approved for retirement, effective 1 Nov 21.

In support of his reconsideration request, the applicant submitted new evidence showing his correspondence with the Total Force Service Center on several occasions.

The applicant's complete submission is at Exhibit J.

## **AIR FORCE EVALUATION**

AFPC/DPTT recommends denying the applicant's request for a 20-year active-duty retirement finding no evidence of an error or injustice. Corrections were made to the applicant's point history in accordance with the directive from BC-2022-02266. Based on the corrections made and the point summary audit, the applicant does not meet requirements for a regular retirement in accordance with DAFI 36-3203, *Service Retirements*, as he only has 19 years, 11 months and 13 days of TAFMS. Also, there is no evidence the member applied for sanctuary in accordance with AFI 36-2131, *Administration of Sanctuary in The Air Reserve Components*, while still on orders. The applicant is eligible for a reserve retirement in accordance with DAFI 36-3203, paragraph 3.1.2, *Reserve Retirement Eligibility*, which states ANG or Air Force Reserve (AFR) members must have at least 20 years of creditable years. The applicant completed 20 years, 9 months and 25 days of satisfactory service as of 31 Oct 21, his separation date. The applicant would then be eligible to apply for retirement pay on 2 Feb 36, his 60th birth date.

Due to this re-calculation of points, the applicant's DD Form 214, *Certificate of Release or Discharge from Active Duty*, was corrected on 17 Dec 24 to the following: On 31 Oct 21, the applicant's DD Form 214 indicates he was honorably discharged from the ANG with a total of 19 years, 11 months, and 13 days of total active service (Exhibit M).

The complete advisory opinion is at Exhibit K.

## **APPLICANT'S REVIEW OF AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 19 Mar 25 for comment (Exhibit L) and the applicant replied on 24 Mar 25. In his response, the applicant contends the advisory opinion states he never applied for sanctuary; however, once he was wrongfully removed from his



AGR position the option to apply for sanctuary was not available. The SAF is the only authority for sanctuary removal between 18 and 20 years of active duty service. Furthermore, it appears some of his points were removed but he is not sure why this happened. He is just asking for his records to be corrected so he can receive his full-time retirement pay as ARPC failed to include his active duty service from 25 Sep 01 to 12 Jan 02, which places his service over 20 years. He asks the Board to grant an ETS extension until 1 Dec 21 and grant him an additional 17 points from 1 Nov 21 to 17 Nov 21 with an effective retirement date of 1 Dec 21.

The applicant's complete response is at Exhibit N.

## 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 remains unconvinced the evidence presented demonstrates an error or injustice. The Board concurs with the rationale and recommendation of ARPC/DPTT and finds a preponderance of the evidence does not substantiate the applicant's contentions. Specifically, the Board finds the applicant did not apply for sanctuary per AFI 36-2131. Based on the previous Board's decision, the applicant's points were corrected to show he accumulated a total of 19 years, 11 months, and 13 days of total active service for retirement. According to his points summary, all active duty periods were accounted for. The Board notes the applicant is eligible for a Reserve retirement and does not find it in the interest of justice to credit the applicant with additional active duty service to permit him to receive an active duty retirement he did not earn through service. Therefore, the Board recommends against correcting the applicant's records.

## RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

## 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-2022-02266-2 in Executive Session on 26 Jun 25:

[REDACTED] Panel Chair

[REDACTED], Panel Member

[REDACTED] Panel Member

**AFBCMR Docket Number BC-2022-02266-2**

All members voted against correcting the record. The panel considered the following:

- Exhibit I: Record of Proceedings, w/ Exhibits A-H, dated 18 May 23.
- Exhibit J: Application, DD Form 149, w/atchs, dated 13 Sep 24.
- Exhibit K: Advisory Opinion, ARPC/DPTT, w/atchs, dated 8 Jan 25.
- Exhibit L: Notification of Advisory, SAF/MRBC to Applicant, dated 19 Mar 25.
- Exhibit M: Documentary evidence, including relevant excerpts from official records.
- Exhibit N: Applicant's Response, dated 24 Mar 25.

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.

7/15/2025

Board Operations Manager, AFBCMR  
Signed by: USAF

**AFBCMR Docket Number BC-2022-02266-2**