

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-02302

XXXXXXXXXXXXXXXXXX

**COUNSEL:** NONE

**AKA:** XXXXXXXXXXXXX

**HEARING REQUESTED:** YES

### APPLICANT'S REQUEST

1. She be awarded 3 years of constructive service credit (CSC) for her professional experience as a registered nurse prior to her commissioning.
2. Her date of rank (DOR) and effective date for promotion to the rank of major (O-4) be 10 Mar 18 and her DOR and effective date for promotion to first lieutenant (O-2) and captain (O-3) be backdated accordingly for the CSC.
3. Her total years' service date (TYSD) be backdated to 10 Mar 10.

### APPLICANT'S CONTENTIONS

She only received 6 months and 25 days of CSC when commissioned. At the time of her commissioning, AFI 36-2005, *Officer Accessions*, dated 19 May 03, Rule 42 stated she should have received 3 years-service credit for her professional experience as a registered nurse and license. She was advised by her colleague to request additional CSC.

In support of her request, she cites AFI 36-2005, *Officer Accessions*, dated 19 May 03, Table 2.5, Rule 42, which states full time special professional experience in the specialty in which appointed when the experience was accrued after obtaining the qualifying degree or license would result in CSC of one year for each year. Moreover, Table 2.5, Note 14 stated, an individual achieves full time professional experience by being employed 40 hours per week in one or more places of employment. Exception: individuals employed for 32 to 39 hours per week and considered full time employees must submit a letter from their employer verifying they are full time employees

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a major (O-4) in the Air National Guard (ANG).

On 13 Feb 13, according to an NGB/AIPO memorandum provided by the applicant, she was approved for a temporary appointment as a clinical nurse in the rank of second lieutenant (O-1). Her TYSD and DOR date of appointment were backdated 6 months and 25 days for CSC.

On 10 Mar 13, the applicant was commissioned and granted federal recognition in the rank of second lieutenant.

The applicant was promoted to the rank of major with DOR 8 Dec 21 and effective date 26 May 22.

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 denial. The documentation provided is not sufficient to support the applicant's claim. To be eligible for CSC, an applicant must either have completed advanced degree(s) applicable to the professional specialty or have completed full time professional work experience in the specialty. The applicant does not hold an advanced degree in nursing; thus, she does not qualify for service credit based on education. After a thorough review of the package, NGB/AIPO systems and automated records management system (ARMS) documentation, NGB/AIPO was unable to find evidence to support the applicant has verified full-time professional work experience which qualified for additional service credit based on full time employment.

The regulation in effect at the time of appointment was AFI 36-2005, Table 2.5, Rule 41, which allowed for an individual with full time professional experience in the specialty in which being appointed, to be awarded CSC of one-half year for each year of experience up to three years, when the experience is accrued after obtaining the qualifying degree or license.

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 13 Feb 23 for comment (Exhibit D), and the applicant replied on 23 Feb 23. The applicant provides employment verification letters covering the period from 2002 to 2014.

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 not 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 does not substantiate the applicant's contentions. The Board notes the applicant provided employment verification letters for the period of 2002 to 2014; however, the letters do not state the applicant was employed full time for award of the additional CSC the applicant requests for her full-time professional experience. Therefore, the Board recommends against correcting the applicant's records.
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 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 Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2022-02302 in Executive Session on 28 Mar 23:

, Panel Chair  
, Panel Member  
, Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 26 Aug 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, NGB/AIPO, dated 3 Feb 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 13 Feb 23.
- Exhibit E: Applicant's Response, w/atchs, dated 23 Feb 23.

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

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Board Operations Manager, AFBCMR