

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02310

XXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NOT INDICATED

APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, for the period ending 30 Sep 19, be amended to show he started his Active Guard Reserve (AGR) orders on 25 Jul 16, instead of 29 Jul 16.

APPLICANT'S CONTENTIONS

His AGR orders were amended to show a start date of 25 Jul 16. He was on AGR orders from 25 Jul 16 to 29 Jul 16 but did not receive any pay or credit for his service. He submitted a claim through his finance office and a case management system (CMS) case was opened.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force Reserve lieutenant colonel (O-5).

On 24 Jul 16, the applicant entered a period of active duty and was honorably discharged on 24 Jul 16.

Per Special Order dated 27 Jul 16, the applicant entered a subsequent period of active duty with a tour start effective date of 29 Jul 16 in accordance with 10 U.S.C. § 12310.

On 28 Jul 16, the applicant's AGR order was amended to show an adjusted start date of 25 Jul 16 per ARPC/DPAA.

The applicant's DD Form 214 issued 30 Sep 19 shows the applicant performed a period of active duty from 29 Jul 16 to 30 Sep 19. He was honorably discharged with a narrative reason for separation of "Completion of AGR Military Duty Tour."

The applicant provides Debt and Claims Management-Online Customer Service ticket, which shows on 9 Aug 19, the Defense Finance and Accounting Service (DFAS) notified the applicant the recoupment of his debt in the amount of \$1,007.91 was due to pay and allowances for the period of 25 Jul 16 to 27 Jul 16.

On 11 Aug 22, his finance office opened a CMS case (#14633518) indicating the applicant's accession date was incorrect. On 29 Aug 22, the CMS case was closed with recommendation the applicant apply to the AFBCMR for correction of his records.

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

AIR FORCE EVALUATION

ARPC/DPAAG recommends granting the applicant's request. He is entitled to receive pay and benefits for the four days he was in an active duty status and a correction to his DD Form 214 is required to reflect a start date of 25 Jul 16. The applicant's initial AGR order with a start date of 29 Jul 16 was amended to correct the start date to 25 Jul 16. He erroneously incurred a debt of \$1,007.91 due to personnel information extracted from the military personnel data system (MilPDS), DFAS and the Defense Joint Military Pay System (DJMS) reflecting a mismatch for the start date of his AGR tour. DFAS later canceled the applicant's debt; however, he is entitled to receive \$1,007.91 for active service performed from 25 Jul 16 to 29 Jul 16.

The complete advisory opinion is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 28 Nov 22 for comment (Exhibit E) 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 ARPC/DPAAG and finds a preponderance of the evidence substantiates the applicant's contentions. 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 APPLICANT be corrected to show:

a. His DD Form 214, *Certificate of Release or Discharge from Active Duty*, issued 30 Sep 19, be amended in block 12a, *Date Entered Active Duty This Period*, to show 25 Jul 16, instead of 29 Jul 16.

b. He receive the retroactive backpay and allowances for the period.

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-2022-02310 in Executive Session on 2 Feb 23:

, Chair, AFBMCR
, 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 29 Aug 22.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: CMS Case #14633518.

Exhibit D: Advisory opinion, ARPC/DPAAG, dated 7 Nov 22.

Exhibit E: Notification of advisory, SAF/MRBC to applicant, dated 28 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.