



CUI//SP-MIL/SP-PRVCY

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02325

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be changed to reflect:

- a. He served in the Air Force Reserve (AFR) from 26 Sep 80 to 26 Jan 81.
- b. He served in the Regular Air Force from 27 Jan 81 to 10 Aug 88. **(Administratively corrected)**

APPLICANT'S CONTENTIONS

He applied for retirement and his service dates are being disputed by a federal agency.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force staff sergeant (E-5).

On 26 Sep 80, via DD Form 4/1, *Enlistment/Reenlistment Document Armed Forces of the United States*, the applicant enlisted in the Delayed Entry/Enlisted Program for no less than 4 years.

On 26 Jan 81, via DD Form 4/4, the applicant was discharged from the Delayed Entry/Enlisted Program, and on 27 Jan 81, he enlisted in the Regular Air Force for a period of 4 years.

On 28 Sep 84, according to DD Form 214, the applicant entered the Regular Air Force.

On 10 Aug 88, according to DD Form 214, the applicant was discharged from the Regular Air Force. His narrative reason for separation is "Volunteered to Serve with ANGUS." He was credited with 4 years, 1 month, and 19 days of active service and 4 months of total prior inactive service. Item 18, Remarks, reflects "Continuous Military Service Date: 27 Jan 81."

On 11 Aug 88, DP Form Letter 6, *Statement of Service*, was published indicating the applicant's following service dates:

- 26 Sep 80 to 26 Jan 81, for 4 months and 1 day (Air Force Reserve)
- 27 Jan 81 to 10 Aug 88, for 7 years, 6 months, and 14 days (Regular Air Force)

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On 27 Sep 22, according to *AFBCMR Form 214/215 Action Order*, the Chief, Service Dates Verification (AFPC/DP2LT) confirmed the applicant served on continuous active duty in the Regular Air Force from 27 Jan 81 through 10 Aug 88, and should be credited with for 7 years, 6 months, and 14 days of active service.

On 27 Sep 22, according to DD Form 215, *Correction to DD Form 214, Certificate of Release or Discharge from Active Duty*, for DD Form 214 issued on 10 Aug 88, the following items were corrected:

- 12a, Date Entered Active Duty: 1981 Jan 27.
- 12c, Net Active Service This Period: 07 06 14.
- 12d, Total Prior Inactive Service: 00 04 01 [period in DEP].

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

AIR FORCE EVALUATION

ARPC/DPTS recommends denying the application indicating there is no evidence supporting the creation of a DD Form 214 for Reserve time. Per Air Force Instruction (AFR) 35-6, *Separation Documents and General Separation Procedures*, Table 3, members are only issued a DD Form 214 after completing 90 continuous calendar days or more of active duty.

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 21 Oct 22 for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was not 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 ARPC/DPTS and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board also notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. The Board does not find it in the interest of justice to waive the three-year filing requirement. Therefore, the Board finds the application untimely and recommends against correcting the applicant's records.

RECOMMENDATION

The Board recommends informing the applicant the application was not timely filed; it would not be in the interest of justice to excuse the delay; 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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2022-02343 in Executive Session on 18 May 23:

Work-Product Panel Chair
Work-Product Panel Member
Work-Product Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 16 Aug 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, ARPC/DPTS, w/atch, dated 20 Sep 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 21 Oct 22.

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.

7/24/2023

Work-Product

Board Operations Manager, AFBCMR
Signed by *Work-Product*