

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-2022-02343

**COUNSEL:** NONE

HEARING REQUESTED: NO

### **APPLICANT'S REQUEST**

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be changed to reflect the grade of lieutenant colonel (O-5) and Air Force Academy Liaison Officer.

### **APPLICANT'S CONTENTIONS**

He served over 20 years of service as an Air Force Academy Liaison Officer and obtained the grade of lieutenant colonel (O-5).

The applicant's complete submission is at Exhibit A.

### **STATEMENT OF FACTS**

The applicant is a former Air Force Reserve (AFR) lieutenant colonel (O-5).

On 20 Jun 71, the applicant entered active duty.

On 22 Jun 80, he was honorably discharged in the grade of captain (O-3) after serving nine years and three days. His narrative reason for separation is "Voluntary Resignation - Miscellaneous Reasons."

On 9 Nov 90, the applicant was honorably discharged in the grade of major (O-4) after serving six days. His narrative reason for separation is "USAFR Member Released Due to Demobilization."

On 6 Jul 09, according to Reserve Order Work-Product dated 1 Jun 09, the applicant was honorably discharged from the AFR in the grade of lieutenant colonel (O-5).

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 of an error or injustice. Per AFR 35-6, *Separation Documents and General Separation Procedures*, Table 1,

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members are required to complete 90 days or more of continuous active duty orders to be eligible for a DD Form 214.

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 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 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 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-2022-02343 in Executive Session on 24 May 23:



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

Exhibit A: Application, DD Form 149, w/atchs, dated 8 Aug 22.

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

Exhibit C: Advisory Opinion, ARPC/DPTS, w/atchs, dated 5 Oct 22.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 21 Oct 22.

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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.

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Board Operations Manager, AFBCMR	
Signed by: Work-Product	

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