



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-2022-02534

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

1. He be compensated for his time in the inactive ready Reserve (IRR), effective 21 Dec 73.
2. His pay date be corrected to 21 Dec 73 and he receive back pay.
3. His military and retirement pay be recalculated to show his pay date is 21 Dec 73.
4. The two percent retired pay decrease incurred due to his retirement under the reduction in force (RIF) be eliminated.

APPLICANT'S CONTENTIONS

He was a four year Air Force Reserve Officer Training Corps (AFROTC) cadet from Sep 69 until graduation in Dec 73. He was on the Air Force payroll from Sep 71 until graduation and was obligated to serve from 21 Dec 73. He was not properly compensated for his obligated time, which affected his net active service time. Further, he was forced to retire early due to a RIF.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force major (O-4).

Special Order dated 17 Jul 74, *Extended Active Duty Order*, shows the applicant's date of Reserve Appointment is 21 Dec 73 and 5 Aug 74 is his effective date of order on active duty.

On 7 Sep 93, the applicant requested voluntary retirement effective 1 Dec 93.

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, issued 30 Nov 93, shows the applicant served in the Regular Air Force from 5 Aug 74 to 30 Nov 93. He was credited with 19 years, 3 months and 26 days of active duty service. The applicant's narrative reason for separation shows "Voluntary Retirement: Reduction in Force."

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

Controlled by: SAF/MRB
CUI Categories: SP-MIL/SP-PRVCY
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

**AFBCMR Docket Number BC-2022-02534
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AIR FORCE EVALUATION

AFPC/DP2LT recommends denial. Time spent on an inactive status pending orders is a non-pay status and is not creditable towards active duty. Upon entry on active duty his pay date was established as 21 Dec 73. The IRR period is creditable towards the pay date which determines longevity pay only.

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 20 Dec 22 for comment (Exhibit D) but has received no response.

AIR FORCE EVALUATION

AFPC/DPMSSR recommends denial. There are no corrections needed to the applicant's active duty service dates. The period of 21 Dec 73 to 4 Aug 74 was in a non-pay status and does not count towards active duty creditable service. The applicant's claim for two percent adjustment of retired pay due to incorrect active service period is not supported.

The complete advisory opinion is at Exhibit E.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 5 Jan 23 for comment (Exhibit F) 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 recommendations of AFPC/DP2LT and AFPC/DPMSSR and finds a preponderance of the evidence does not substantiate the applicant's contentions. 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 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-2022-02534 in Executive Session on 4 May 23:

Work-Product [Redacted] Chair, AFBCMR
Work-Product [Redacted] Panel Member
Work-Product [Redacted] Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 6 Sep 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2LT, dated 9 Dec 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 20 Dec 22.
- Exhibit E: Advisory Opinion, AFPC/DPMSSR, dated 20 Dec 22.
- Exhibit F: Notification of Advisory, SAF/MRBC to Applicant, dated 5 Jan 23.

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.

6/1/2023

Work-Product [Redacted]

Board Operations Manager, AFBCMR
Work-Product [Redacted]