



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-2022-02536

COUNSEL: *Work-Product*

HEARING REQUESTED: NO

APPLICANT'S REQUEST

The break-in-service following his separation from active duty and his appointment in the Air National Guard (ANG) be eliminated.

APPLICANT'S CONTENTIONS

Through no fault of his own, a break-in-service occurred between when he separated from active duty on 31 Jul 14 and when he was scrolled into his ANG unit on 1 Nov 14. Due to this, not only did he lose out on the opportunity to collect a \$20,000 ANG affiliation bonus but it also resulted in a later promotion to lieutenant colonel (O-5). Based upon his outstanding service record, he hopes the Board will approve his request.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 19 May 14, according to the *Voluntary Separation Application*, he applied for the Voluntary Separation Pay (VSP) program with a requested separation date of 31 Jul 14.

On 20 May 14, according to *Attachment 3, Individual Ready Reserve Agreement/Statement of Understanding for Officer Voluntary Separation Pay (VSP)*, he agreed to serve in the Ready Reserve for a period of not less than 3 years following separation from active duty.

On 16 Jul 14, according to *Work-Pro...* Comptroller Squadron memorandum, Settlement of Leave and Pay Accounts for Separating Members, dated 16 Jul 14, he received separation pay in the amount of \$77,881.00.

On 31 Jul 14, according to his DD Form 214, *Certificate of Release or Discharge from Active Duty*, he was honorably released from active duty in the grade of major (O-4) with the narrative reason of Force Shaping -VSP.

On 23 Sep 14, according to Reserve Order *Work-Product* dated 12 Dec 14, by direction of the President he was appointed as a Reserve of the Air Force in the grade of major (O-4) and assigned to HQ ARPC in the Nonobligated Nonparticipating Ready Personnel Section (NNRPS); Reserve Status: Ready.

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

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On 1 Nov 14, according to Reserve Order *Work-Product*, dated 12 Dec 14, he was relieved from HQ ARPC and assigned to the ANG *Work-Pr...* Air Unit Squadron, WV in the grade of major (O-4).

On 31 May 17, according to his NGB Form 22 EF, Report of Separation and Record of Service, he was transferred in grade to the Air Force Reserve. He was credited with 2 years and 7 months of service.

Effective 1 Jun 17, according to Special Order *Work-Product* dated 23 May 17, he was assigned to the Air Force Reserve.

On 23 Jan 21, according to Reserve Order *Work-Product* dated 15 Dec 20, he was promoted in the Reserve of the Air Force to 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.

APPLICABLE AUTHORITY/GUIDANCE

IC 2003-1, dated 19 May 03, to AFI 36-2005, *Appointment in Commissioned Grades and Designation And Assignment in Professional Categories--Reserve of the Air Force and United States Air Force*, dated 1 May 98, paragraph 2.4. *Former Officers of the Regular Air Force (RegAF)*:

2.4.2.2. Since accepting a Reserve commission constitutes voluntary assignment to the Ready Reserve (IRR or Selected), HQ ARPC/DAO transfers officers appointed under paragraph 2.4.2. to the Ready Reserve and assigns them to the Nonobligated Nonparticipating Ready Personnel Section (NNRPS), unless they applied for a Ready Reserve participating assignment.

AFI 36-3205, Applying for the Palace Chase and Palace Front Programs:

2.1. Program Description. The PALACE FRONT program is a transfer program which allows active Air Force officers and enlisted members to transfer from the United States Air Force (USAF) to the ANGUS or the USAFR the day after separation from the Air Force non-PALACE CHASE, normally upon completing ADSC or on reaching their DOS.

2.5.3. Forms Prescribed. AF Form 1288, *Application for Ready Reserve Assignment*, AF Form 2631, *Palace Chase Statement of Understanding/Contract*.

AIR FORCE EVALUATION

NGB/AIPO recommends denying the applicant's request. There is no evidence that substantiates a claim of an error or injustice. The documentation provided by the applicant is not sufficient to support his claim as it consisted of solely of awards and historical Officer Performance Reports (OPRs). Research on the NGB personnel system shows that he applied for PALACE FRONT transfer to the ANG on or about 5 Jun 14. However, after a thorough review of the package, NGB/AIPO systems, and the applicant's official military records, they are unable to determine the reason(s) why the applicant's PALACE FRONT application did not successfully complete as the application process involves multiple levels of coordination between the applicant, local recruiters, State Joint Force Headquarters, the NGB and is dependent on members being validated as meeting all requirements. As such, NGB/AIY recommends that PALACE FRONT members submit applications at least six (6) months prior to their date of separation (DOS) to ensure that all requirements are met without delay.

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The ANG Affiliation Bonus is contingent upon the timing of appointment into the ANG and acceptance of the bonus incurs a four (4) year obligation. The applicant transferred from the ANG to the Air Force Reserve on 1 Jun 17 after only two years and seven months of service.

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

ADDITIONAL AIR FORCE EVALUATION

ARPC/DPAR recommends granting the applicant's request. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice to the applicant's record pertaining to the break in service incurred when transferring from the Regular Air Force to the Air Force Reserve. ARPC concludes the break in service was not the applicant's fault; therefore, advises implementation of SAF/GCM (Air Force General Counsel) guidance granting the AFBCMR authority to adjust the applicant's date of separation. Correction of the applicant's date of separation to reflect 22 Sep 14 will result in correction to his date of rank and service dates.

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 12 Jul 23 for comment (Exhibit F), 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. While the Board notes the recommendation of NGB/AIPO against correcting the record, the Board concurs with the rationale of ARPC/DPAR and finds a preponderance of the evidence substantiates the applicant's contentions. The Board further notes the applicant was released under the Voluntary Separation Pay Force Shaping program and in exchange for separation pay he agreed to serve in the Ready Reserve for a period of not less than 3 years following separation from active duty. As such, when the applicant was discharged from active duty he should have immediately been placed in the Ready Reserve on 1 Aug 14, but due to an administrative error the applicant was not gained until 22 Sep 14, which resulted in a break-in-service. Therefore, the Board recommends correcting the applicant's records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show he was not released from active duty on 31 Jul 14, but on that date, he was continued on active duty until 22 Sep 14, on which date he tendered his resignation, was discharged from all Regular Air Force appointments, and was released from active duty.

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-2022-02536 in Executive Session on 2 Feb 23 and 15 Aug 23:

<i>Work-Product</i>	Panel Chair
<i>Work-Product</i>	Panel Member
<i>Work-Product</i>	Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 9 Sep 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, NGB/A1PO, dated 18 Nov 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 16 Dec 22.
- Exhibit E: Additional Advisory, ARPC/DPAR, 14 Apr 23.
- Exhibit F: Notification of Additional Advisory, 12 Jul 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  5/21/2024

Board Operations Manager, AFBCMR
Signed by: 