

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-02653

*Work-Product*

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

### APPLICANT'S REQUEST

He be allowed to transfer to the Air Force Reserve through the Palace Chase program.

### APPLICANT'S CONTENTIONS

In 2019, after graduating from the US Air Force Academy (USAFA), he spent the next three years on active duty service in the World Class Athlete Program (WCAP). According to Air Force Instructions, officers are eligible to transfer to the Air Force Reserve through the Palace Chase program after two years of active service. In Dec 20, he began the Palace Chase process to transfer to the Air Force Reserve so he could pursue a professional baseball career. However, in Mar 20, he was notified of the SAF/MRBP decision to deny his application because he did not fulfill the two-year active duty service commitment. In accordance with Title 10 United States Code, Section 9448 (10 U.S.C. § 9448), SAF/MRBP does not have the authority to deliberate on the worthiness of his active duty service. He was unjustly denied at the Chief of Staff level; therefore, he is asking the Board to decide.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a Regular Air Force first lieutenant (O-2).

On 30 May 19, according to the Military Personnel Database System, the applicant entered active duty and has two active duty service commitments with end dates of 29 May 24 and 11 Sep 24, respectively.

On 22 Jan 20, Special Order Number *Work-Product* amended Special Order Number XX-XXXX, and reassigned the applicant to the WCAP. The order further indicates that the applicant would incur up to a 36-month ADSC for being in the WCAP.

According to AF Form 475, *Education/Training Report*, the applicant was a part of the WCAP program from 16 Dec 20 through 15 Dec 21.

On 25 Mar 22, according to the Secretary of the Air Force Personnel Council, the applicant's request to transfer to the reserve component under the Palace Chase program effective 24 Feb 22, was disapproved.

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

### APPLICABLE AUTHORITY/GUIDANCE

Department of the Air Force Instruction (DAFI) 34-114, *Fitness, Sports, and World Class Athlete Program*, paragraph 4.3.2., states, all regular component personnel accepted into WCAP receive

an ADSC effective upon completion of training or completion of competition, whichever is later. This active duty service commitment runs concurrently with any existing active duty service commitments. This does not pertain to the Air Reserve Component.

According to paragraph 4.3.2.1., Regular Department of the Air Force personnel incur a 3-year active duty service commitment in accordance with Air Force Manual 36-2100, *Military Utilization and Classification*. Officers must sign AF Form 63, *Active Duty Service Commitment (ADSC) Acknowledgement Statement*, upon notification of selection as a world class athlete. Enlisted personnel should not sign the AF Form 63 unless they will not have sufficient retainability to fulfill the three-year (maximum) active duty service commitment and they are not or will not become eligible for retirement until after the expiration of the active duty service commitment. Additionally, all members (enlisted and officer) incur a two-year active duty service commitment for voluntarily withdrawing from WCAP training.

## **AIR FORCE EVALUATION**

SAF/MRBP (Secretary of the Air Force Personnel Council) recommends denying the application in the best interest of the Air Force. In May 19, the applicant graduated from the USAFA and was commissioned into active duty with an active duty service commitment of 29 May 24. On 24 Aug 21, the applicant applied for early release to pursue a professional baseball career. However, at the time of the application, the applicant had spent the entirety of his active duty as part of the WCAP and had two years remaining on his active duty service commitment. In accordance with Department of Defense (DoD) policy, approval for participation in professional sports after graduating from a Military Service Academy is based on recommendation from the Secretary of the Air Force and approved by the Secretary of Defense. Participation in professional sports through the WCAP is for the purpose of representing the United States and the Department of the Air Force in national and international competition, not for the purpose of pursuing a professional sports career. On 2 Mar 22, the Air Force Personnel Board considered the applicant's request for early release from active duty. After a thorough review of the evidence presented, including an advisory opinion from SAF/MRM (Force Management Integration) describing the purpose of the WCAP, the Air Force Personnel Board concluded that allowing the applicant's early release was not in the best interest of the Air Force. The board recommended the request be denied and on 25 Mar 22, the Director, Secretary of the Air Force Personnel Council disapproved the request.

In accordance with DAFI 36-3211, *Military Separations*, Part 4, an applicant must have completed at least two years of active duty service to apply for the Palace Chase Program and the Secretary of the Air Force Personnel Council Director must determine if the approval is in the best interest of the Air Force. The applicant contends 10 U.S.C. § 9448 does not give the committee power to deliberate on the worthiness of his active duty service; however, that code simply directs the Secretary of Defense to prescribe, not later than 1 July 07, DoD policy on whether to authorize service academy and Reserve Officer Training Corps graduates to participate in professional sports before the completion of their obligations for service on active duty. The applicant was a graduate of the USAFA that incurred an active duty service commitment of five years. He was originally scheduled for flight training after graduation, but instead he served two years on active duty exclusively in the WCAP. The applicant further cites the case of a fellow officer, claiming that he is similarly situated and therefore deserves relief because said officer's request was approved; however, this is not the case. The other officer noted by the applicant had a PALACE CHASE request that was approved, but the other case is distinguishable in that the policy on Academy graduates and professional sports has changed as reflected in the advisory opinion obtained from SAF/MRM when the Secretary of the Air Force Personnel Council considered the case at issue. Finally, the applicant has not provided evidence to indicate the Air Force Personnel Board or the Director, Secretary of the Air Force Personnel Council abused their authority when they disapproved the applicant's Palace Chase request.

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 30 Jan 23 for comment (Exhibit D), 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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of SAF/MRBP and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board found the applicant did not provide evidence that the Air Force Personnel Board or the Director, Secretary of the Air Force Personnel Council abused their authority when they disapproved the applicant's Palace Chase request and concluded that allowing the applicant's early release was not in the best interest of the Air Force. 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 DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2022-02653 in Executive Session on 16 Mar 23:

, Panel Chair  
, Panel Member  
, Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 13 Sep 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, SAF/MRBC, w/atchs, dated 30 Jan 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 30 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.

X

Board Operations Manager, AFBCMR