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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02687

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COUNSEL: NONE

HEARING REQUESTED: YES

### APPLICANT'S REQUEST

Request his Mandatory Separation Date (MSD) be changed to reflect 31 Oct 22.

### APPLICANT'S CONTENTIONS

On 21 Jan 21, the applicant submitted a request to extend his MSD from 1 Feb 20 to 1 Feb 22 in order to allow him to continue to serve in his role as a flight surgeon and leader in the Air National Guard (ANG). The MSD extension request was submitted one year after his MSD expired due to an oversight within the Force Support Section (FSS). On 28 Jan 21, the applicant's wing commander submitted a memorandum to NGB/A1PP that noted the applicant's commander was not notified of the applicant's impending MSD expiration in sufficient time to submit the waiver request due to high turnover in the FSS over an eighteen (18) month period. The wing commander also noted the applicant's specialty in orthopedics and sports medicine made him the most experienced flight surgeon in the Wing. In Sep 22, the applicant was counseled by ARPC that he must retire on his MSD, and his Tricare insurance will end on the same date. The applicant was informed that he would be responsible for any payment made by Tricare after 1 Feb 20. The applicant is requesting the date of his MSD be changed because he desires to continue serving in the military since he has not reached sixty (60) years of age, and so that he does not incur a debt because he was unaware and his family continued to use Tricare insurance.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

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

On 20 Feb 20, according to a personnel SURF pulled from MilPDS, the applicant separated from the ANG with twenty-seven (27) years, six (6) months, and eleven (11) days of satisfactory service.

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

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## APPLICABLE AUTHORITY/GUIDANCE

Title 10 U.S.C. § 14514, *Discharge or retirement for years of service or after selection for early removal*, reserve officers are to be moved from an active status or reserve-active status list when they reach their MSD and either be transferred to the Retired Reserve or discharged from their appointment.

Title 10 U.S.C. § 14703, *Authority to retain chaplains and officers in medical specialties until specific age*, medical officers may be retained in service beyond their MSD until the age of 68 pursuant to regulations as set forth by the Secretary of the Air Force (SECAF).

AFI 36-3203, *Service Retirements*, table 5.2. *Mandatory Retirement for All Reserve Officers*, note 5. states extensions must be submitted at least six months prior to the officer becoming eligible for retirement.

In a Memorandum dated 4 January 2019, SECAF's delegation of the authority to retain members under 10 U.S.C. § 14703 to the Director, Air National Guard was further delegated to the ANGRC/CC for extensions up to three year at a time, whereas disapproval and final decision remains with SAF/MRBP.

## AIR FORCE EVALUATION

NGB/A1PP, recommends partially granting the applicant's request to extend his MSD. The applicant is requesting his MSD be corrected to reflect 31 Oct 22 to allow him to retire. The applicant had an MSD of 1 Feb 20, and on 20 Jan 21, submitted a request to extend his MSD to 1 Feb 22. The MSD extension request was approved by his chain of command, however; due to an oversight by his servicing FSS, the request was submitted to NGB/A1PP a year after his MSD expired. According to AFI 36-3203, table 5.2, note 5, "The officer must initiate the request for retention and forward it through command channels to NGB/A1PP (for ANG officers) or Air Force Reserve Command, Director of Manpower, Personnel and Services (AFRC/A1) (for AFR officers). The request must be submitted at least six months prior to the officer becoming eligible for retirement." The applicant's wing commander submitted a memorandum stating the FSS ineffectively managed MSD extension requests due to high turnover within an eighteen (18) month period. As a result, the applicant's commander was not notified of the expiring MSD in sufficient time to process the request. The applicant's request to be extended to 31 Oct 22 cannot be granted because there is no evidence of his command or state leadership's intention to approve the extension past 1 Feb 22. Therefore, NGB/A1PP recommends the MSD be changed to reflect 1 Feb 22.

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 27 Dec 22 for comment (Exhibit D), and the applicant replied on 20 Jan 23. In his response, the applicant contended the request to extend his MSD to 1 Feb 22, was part of a larger request in which he subsequently submitted a waiver to continue military service beyond his MSD. The applicant's desire is to continue military

service so that he can complete Air War College and apply for promotion to colonel (O-6). However, if the MSD extension does not allow for him to continue service, then he is requesting the MSD that allows him to retire without incurring a debt to Tricare.

The applicant's complete response is at Exhibit E.

## 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/A1PP to correct the record in part, the Board finds a preponderance of the evidence substantiates the applicant's contentions. The Board believes the memorandum submitted by the applicant's Wing Commander indicates the intention of the waiver to retain the applicant. Therefore, the Board recommends correcting the applicant's records as indicated below.
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 pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that his Mandatory Separation Date be changed to reflect 31 October 2022.

## 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-2022-02687 in Executive Session on 30 May 23:

Work-Product, Panel Chair

Work-Product Panel Member

Work-Product Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 3 Oct 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/A1PP, w/atchs, dated 22 Dec 22.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 27 Dec 22.
- Exhibit E: Applicant's Response, w/atchs, dated 20 Jan 23.

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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.

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*Work-Product*, AFBCMR

Signed by: *Work-Product*

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