

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02688

XXXXXXXXXXXX

COUNSEL: xxxxxx

HEARING REQUESTED: NO

APPLICANT'S REQUEST

The break in service following her separation from active duty and appointment in the Air Force Reserve be eliminated.

APPLICANT'S CONTENTIONS

Through no fault of her own, she was scroled after her date of separation (DOS), which resulted in a break-in-service.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 3 Jan 09, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant entered the Regular Air Force and resigned on 1 Jun 21, in the grade of O-5.

On 24 Jun 21, according to ARPC IMT 92, *Appointment Order*, xxxxxxxx, dated 25 Jul 22, the applicant's appointment in the Air Force Reserve in the grade of O-5, was approved by the Secretary of Defense (SECDEF).

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

AIR FORCE EVALUATION

ARPC/DPAR recommends approval. The applicant was on scroll xxxx which was approved by the SECDEF on xxxxxx. An appointment order, Reserve Order xxxxx, was created on 25 Jul 22, appointing her into the Air Force Reserve on 24 Jun 21 in the grade of O-5. Although this office has found no administrative error, there is evidence of an injustice because the break-in-service was not the applicant's fault. Therefore, the break in service should be eliminated in accordance with the SAF/GCM policy granting the Board the authority to adjust her DOS. If the AFBCMR agrees, the applicant's service dates will be corrected to reflect no break in 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 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 the victim of an error or injustice. The Board concurs with the rationale and recommendation of ARPC/DPAR and finds a preponderance of the evidence substantiates the applicant's contentions. 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 she was not released from active duty on 1 Jun 21, but on that date she continued to serve on active duty until 23 Jun 21, on which date she tendered her 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-2022-02688 in Executive Session on 7 Mar 23:

, Panel Chair
, Panel Member
, Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 4 Oct 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, ARPC/DPAR, dated 20 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 AFI 36-2603, paragraph 4.11.9.

X

Board Operations Manager, AFBCMR