

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02702

COUNSEL: NONE

APPLICANT'S REQUEST

HEARING REQUESTED: NO

She be credited with one (1) year of satisfactory service for her retirement/retention (R/R) year 17 Aug 17 to 08 Aug 18 in the Air National Guard (ANG).

APPLICANT'S CONTENTIONS

From 17 Aug 17 to 8 Aug 18, the applicant attended every Unit Training Assembly (UTA) as instructed. However, she did not receive a good year towards retirement for the time in the Student Flight. On 22 Aug 22, a memorandum from the applicant's wing commander confirms that she did not achieve satisfactory participation during the contested period because of the Student Flight's inappropriate practice of limiting participation, sporadic drill cancellations and failure to properly reschedule members.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air National Guard staff sergeant (E-5).

On 17 Aug 17, according to DD Form 2983, *Recruit/Trainee Prohibited Activities Acknowledgement*, the applicant acknowledged prohibited activities while assigned to the XX Fighter Wing Recruiter Office Student Flight.

According to the PCARS report, she was credited with the with the following Active Duty (AD), Inactive Duty for Training (IDT), membership (MBR), and retirement points from 2017 to 2018:

R/R Year	AD	IDT	ECI	MBR	Retirement	Satisfactory Service (Year)
*17 Aug 17 – 16 Aug 18	9	2	0	15	26	000000
17 Aug 18 – 16 Aug 19	325	4	33	15	344	010000

*Unsatisfactory Years

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

AIR FORCE EVALUATION

NGB/A1PP, recommends granting the applicant's request for a satisfactory year of service. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. The applicant received twenty-six (26) retirement points for the period of 17 Aug 17 to 16 Aug 18. She did not receive a good year to qualify for satisfactory service because she failed to reach the minimum fifty (50) point requirement. However, in accordance with Title 32 USC 502, "Under regulations to be prescribed by the Secretary of the Army or the Secretary of the Air Force, as the case may be, each company, battery, squadron, and detachment of the

National Guard, unless excused by the Secretary concerned, shall assemble for drill and instruction, including indoor target practice, at least 48 times each year.” As such, the applicant’s FSS was in error in directing its student flight members to only participate in half of each scheduled UTA. This resulted as a detriment to the applicant and kept her from receiving the necessary points to be credited with a good year.

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 Nov 22 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 NGB/A1PP and finds a preponderance of the evidence substantiates the applicant’s contentions. The Board notes that a memorandum from the wing commander identified a practice of limiting the Student Flight member’s participation, sporadic cancelations, and a failure to reschedule drill weekends. Given that, the applicant was not afforded the opportunity to complete her regularly scheduled drills and by law should have been afforded the opportunity to participate, the Board concludes that there is sufficient evidence to justify awarding the applicant non-paid equivalent training (ET) points. 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 the APPLICANT be corrected to show that she be awarded an additional twenty-four (24) non-paid equivalent training points in retirement/retention (R/R) year 17 August 2017 to 16 August 2018; thus, receiving an additional one (1) year of career satisfactory service.

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-2022-02702 in Executive Session on 10 Jan 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 5 Oct 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/A1PP, dated 31 Oct 22.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 16 Nov 22.

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