



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-2022-02776

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Her DD Form 214, *Certificate of Release or Discharge from Active Duty*, be corrected to reflect the time she spent on the Temporary Disability Retired List (TDRL).

APPLICANT'S CONTENTIONS

Her "Service for Active Time" on her DD Form 214 should correlate with Special Order *Work-Prod...* and her Certificate of Discharge which both support a change of four years, three months, and one day. She was placed on the TDRL in May 07 to be monitored, evaluated, and treated by medical professionals at *Work-Product* Air Force Base.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force airman first class (E-3).

Dated 29 Mar 07, Special Order *Work-Product* indicates the applicant was placed on the TDRL in the grade of airman first class (E-3) with a compensable percentage for physical disability of 30 percent, effective 30 May 07.

On 29 May 07, DD Form 214 reflects the applicant was honorably discharged in the grade of airman first class (E-3) after serving 2 years and 27 days of active duty. She was discharged, with a narrative reason for separation of "Disability, Temporary."

Dated 14 Jul 09, Special Order *Work-Product* indicates the applicant was removed from the TDRL and discharged with severance pay (DWSP), effective 3 Aug 09.

On 3 Aug 09, DD Form 256, *Certificate of Discharge*, provided by the applicant indicates she was honorably discharged from the United States Air Force.

Dated 23 Dec 22, Special Order *Work-Product* was published to amend Special Order *Work-Product* which corrected her active service for retirement.

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CUI Categories: SP-MIL/SP-PRVCY
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POC: SAF.MRBC.Workflow@us.af.mil

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

AIR FORCE EVALUATION

AFPC/DPFDC recommends denying the application finding no error or injustice with the processing of her medical case. The DD Form 214 was completed correctly with no error; however, an administrative correction amending the original order was completed. The applicant was found unfit by the Informal Physical Evaluation Board and was placed on the TDRL effective 30 May 07. On 3 Aug 09, she was removed from TDRL and DWSP. The applicant's DD Form 214, *Net Active Service This Period*, is correct with 2 years and 27 days. However, Special Order **Work-Product** completed on 14 Jul 09, is wrong; the calculations for both severance pay and active time were annotated incorrectly and in reverse order. Special Order **Work-Product**, dated 14 Jul 09 has been amended with Special Order **Work-Product** reflecting the correct calculations.

10 U.S.C. Section 1203 states members on active duty for more than 30 days may be separated from the member's armed force, with severance pay computed under section 1212 of this title. 10 U.S.C. Section 1212 states upon separation from the armed force under section 1203 or 1206 of this title, a member is entitled to disability severance pay. The applicant's severance pay was adjusted from 2 years and 27 days, to the new computation of 4 years, 3 months, and 1 day. On 3 Aug 09, the applicant was removed from TDRL and DWSP. When a member is removed from the TDRL, a new DD Form 214 is not issued since the time spent on the TDRL is not active duty time, per AFI 36-3202, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series*, Table 2, Rule 18. Rather, the new order indicates the final status. This order becomes a permanent part of the Service member's military personnel file and can be attached to the DD Form 214 reflecting the final disposition was removal from TDRL and DWSP.

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 6 Jan 23 for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was not 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 AFPC/DPFDC and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board also notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Air Force Instruction

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36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. The Board does not find it in the interest of justice to waive the three-year filing requirement. Therefore, the Board finds the application untimely and recommends against correcting the applicant's records.

RECOMMENDATION

The Board recommends informing the applicant the application was not timely filed; it would not be in the interest of justice to excuse the delay; 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 Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2022-02776 in Executive Session on 26 Apr 23:

Work-Product [Redacted] Panel Chair
[Redacted] Panel Member
Work-Product [Redacted] Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 21 Oct 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPFDC, w/atchs, dated 23 Dec 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 23 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.

3/6/2024

Work-Product [Redacted] _____

Board Operations Manager, AFBCMR
Signed by: *Work-Product* [Redacted]