



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-2022-02793

COUNSEL: NONE

HEARING REQUESTED: YES

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 DD Form 214 needs to reflect the time of inactive service in accordance with Special Order *Work-Product* so the date of her discharge is recognized as 8 Jul 10. The Department of Veterans Affairs (DVA) is not acknowledging the time spent on the TDRL and is not granting a service-connected disability rating for medical issues she is claiming. She was misinformed the Special Orders became an official part of her DD Form 214 documents and the DVA would recognize her DD Form 256, *Certificate of Discharge*, date.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force senior airman (E-4).

Dated 15 Sep 08, Special Order *Work-Product* indicates the applicant was placed on the TDRL in the grade of senior airman (E-4) with a compensable percentage for physical disability of 50 percent, effective 25 Oct 08.

On 24 Oct 08, DD Form 214 reflects the applicant was honorably discharged in the grade of senior airman (E-4) after serving 5 years, 10 months, and 15 days of active duty. She was discharged, with a narrative reason for separation of "Disability, Temporary."

Dated 18 Jun 10, Special Order *Work-Product* indicates the applicant was removed from the TDRL and discharged with severance pay (DWSP), effective 8 Jul 10.

On 8 Jul 10, DD Form 256, *Certificate of Discharge*, provided by the applicant indicates she was honorably discharged from the United States Air Force.

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CUI Categories: SP-MIL/SP-PRVCY
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

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

AIR FORCE EVALUATION

AFPC/DP2SSR recommends denying the application finding no error or injustice with the DD Form 214 preparation since a new DD Form 214 is not required upon removal from TDRL. Per DD Form 214 guidance (AFI 36-3202, *Certificate of Release or Discharge from Active Duty-DD Form 214/215 Series*, attachment 2, rule 18 and the DD Form 214 Separations Personnel Services Delivery (PSD) Guide) a DD Form 214 is not furnished for members being removed from the TDRL regardless of status at the time of separation. The applicant was originally placed on TDRL effective 24 Oct 08, where she received a DD Form 214. When she was removed from the TDRL on 8 Jul 10, the applicant was provided documentation (Special Order Work-Product) from the Disabilities Office dated 18 Jun 10 showing she was discharged and entitled to disability severance pay. It was at that time she should have further been told she would not be receiving another DD Form 214 and she needed to provide that document along with her original DD Form 214 to any respective agencies which require this information. Those documents together provide the service information agencies like the DVA require, not a DD Form 256.

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 3 Nov 22 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/DP2SSR and finds a preponderance of the evidence does not substantiate the applicant's contentions. Specifically, the Board finds no error with the applicant's current DD Form 214 as this document correctly annotates her time spent on active duty. 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 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.
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 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-2022-02793 in Executive Session on 26 Apr 23:

<i>Work-Product</i>	Panel Chair
	Panel Member
<i>Work-Product</i>	Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 1 Oct 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2SSR, dated 3 Nov 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 3 Nov 22.

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.

12/27/2023

Work-Product

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