

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

Work-Product

**RECORD OF PROCEEDINGS****IN THE MATTER OF:****DOCKET NUMBER:** BC-2022-02808

Work-Product

**COUNSEL:** Work-Product**HEARING REQUESTED:** YES

Work-Product

**APPLICANT'S REQUEST**

He receive a 30-day waiver for his remaining Active Duty Service Commitment (ADSC).

**APPLICANT'S CONTENTIONS**

On 8 Sep 22, when he applied for separation, his ADSC Date (ADSCD) of record was 29 Aug 22. Throughout the entirety of his career, and at the time of his separation application, this ADSCD had been confirmed and reconfirmed as accurate and current. However, within 24 hours of submitting his separation application, the ADSCD was extended an additional year from 29 Aug 22 to 8 Aug 23, without him being notified. The explanation he received from the Air Force Personnel Center (AFPC) was that an additional ADSC had not been placed in the system due to an administrative error, but that he would be held to it despite it never being on his record.

On numerous occasions he confirmed that his record accurately reflected as ADSCD of 29 Aug 22:

a. In 2019, his recruiter interpreted the guidance to him as a total 3-year ADSC (1-year residency and a 2-year follow-on assignment). The recruiter assured him that AFRS IMT 1430, *Statement of Understanding Applicant for Extended Active Duty – USAF Health Professions*, Section III, in conjunction with the recruiter's interpretation of Department of Defense Instruction (DoDI) 6000.13, *Accession and Retention Policies, Programs, and Incentives for Military Health Professions Officers (HPOs)*, indicated an ADSCD of 2022.

b. In Dec 20, he received confirmation through his residency director that the Biomedical Sciences Corps (BSC) Utilization Officer had accurately updated his ADSCD of 29 Aug 22 after he had completed residency. Additionally, the training director of the residency program at the time confirmed the following updated interpretation of the guidance: "if you're not Health Professions Scholarship Program, you owe 2 years once you're licensed." This affirmed that his service commitment was 29 Aug 22, or would be updated to reflect 2 years post-licensure per the training director.

c. On 1 Aug 22, the Military Personnel Flight confirmed that the ADSCD on record was accurate and that he had no other service commitments.

Air Force Form 63, *Active Duty Service Commitment*, is required whenever an ADSC is updated, changed, or added. There is no record he signed this form on active duty, which would reflect an ADSCD of 8 Aug 23. AFRS IMT 1430, he was misinformed on and signed as a civilian, is in his records. However, according to a personnel officer there should also be in his records some kind of paperwork signed by the service member after they have entered the military, not just a

recruitment document, that reflects their written/signed understanding of their ADSC if there are multiple commitments on record. As such, there is no record of any document he has signed while on active duty that reflects an ADSCD of 8 Aug 23. Therefore, he should not be held to an ADSCD that is inconsistent with the majority of the information that he has received throughout his career.

Finally, he has served with honor, integrity, service before self and excellence. His personal values are inconsistent with the idea that he would try to circumvent the system or not uphold his end of an agreement. He is not trying to break his service or act unethically. He has just been the recipient of inaccurate and conflicting information about his ADSCD throughout his career.

The applicant's complete submission is at Exhibit A.

## **STATEMENT OF FACTS**

The applicant is an Air Force captain (O-3).

On 25 Apr 19, according to *AFRS IMT 1430*, the applicant acknowledged that he agreed to remain on active duty for a period of 36 months effective the start of his extended active duty and he understood and agreed to serve on extended active duty for a period of 3 years following completion of his internship.

On 14 Jun 19, according to Special Order *Work-Product Extended Active Duty Order*, dated 16 May 19, the applicant was ordered to active duty for an indefinite period in the grade of O-3. Block 13, states "Date of Separation (DOS) is based on Active Duty Service Commitment (ADSC) of Three (3) years after completion of internship."

On 18 Jun 20, according to Special Order *Work-Product Request and Authorization for Permanent Change of Station (PCS) – Military*, he received PCS orders with a report no later than date of 15 Sep 20. Block 22, *Remarks*, informed him he will incur a 24-month PSC ADSC.

On 7 Aug 20, according to Special Order *Work-Product* dated 16 May 29, the applicant completed his internship incurring a 3-year ADSC, establishing a date of separation based on that ADSC of 8 Aug 23.

On 29 Aug 20, according to the Military Personnel Database System, dated 24 Jan 23, the applicant departed his last duty station and arrived at his next assigned duty station on 30 Aug 20.

On 2 Jul 21, according to the State of Washington, Department of Health memorandum, dated 3 Oct 22, provided by the applicant, he was first credentialed as licensed Psychologist.

On 10 Sep 21, according to the Automated Records System, reflects: DOS [date of separation] 8 Aug 3888; ADSC: 29 Aug 22 for PCS.

On 25 Jan 23, according to the Military Personnel Database System reflects the applicant's date of separation as 8 Aug 3888 and ADSCD as 8 Aug 23.

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

**APPLICABLE AUTHORITY/GUIDANCE**

DoDI 6000.13, 4. Military SO (MSO), Minimum Term Of Active Service (MTAS), SO, AND AD Obligation (ADO) for HPOs Serving on AD. b. MTAS. The MTAS for first-term AD officers will be 2 years following internship for physicians and 3 years for other officers in a health profession. The minimum term is not added to an ADO incurred for military sponsored education or training. Prior AD and internships or any other initial qualifying training program will not count toward fulfilling the MTAS.

Air Force Manual (AFMAN) 36-2100, *Military Utilization and Classification*, Chapter 4, *Active Duty Service Commitments and Reserve Service Commitments*:

4.1.1.1. Officers in the grade of colonel (O-6) and below and all enlisted personnel incur an ADSC when they complete all or a portion of ADSC-incurring events.

4.1.1.2. An ADSC does not establish, and is independent of, a DOS.

4.1.2. ADSC-Incurring Events. 4.1.2.3. ADSCs incurred for training will become effective upon graduation date or completion of required training.

AFRS IMT 1430, *Statement of Understanding Applicant for Extended Active Duty - USAF Health Professions*:

*Section III. Extended Active Duty Tour Length: (All Corps FQ)*

I agree to remain on extended active duty for a period of 36 months effective with my date of entry on active duty in the United States Air Force. I understand and agree that if I am offered and accept an overseas assignment, I will serve the tour length as specified in AFI 36-2110, *Assignments*, in the overseas location. I understand that I may be involuntarily released from active duty prior to completion of my initial tour if required by law, Air Force policy, or direction of the Secretary of the Air Force.

*Section V. Biomedical Sciences Corps (BSC) Internship (BSC)*

I understand that if appointed in the Biomedical Sciences Corps (BSC), continuation of the appointment is contingent on my completing one of the following: (1) USAF Dietetic Internship; (2) USAF Social Work Internship; (3) USAF Audiology Internship; or (4) Clinical Psychology doctorate degree and Clinical Internship Program. Failure to complete the program I am selected for will result in the termination of my BSC appointment and reappointment, if appropriate, for utilization in the line of the Air Force, or separation, as determined by the needs of the service. I agree to serve on extended active duty for a period of three (3) years following completion of my internship in accordance with AFI 36-2107, *Active Duty Service Commitments* (ADSC).

**AIR FORCE EVALUATION**

AFPC/DP2MNW recommends denying the applicant's request. Based upon the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice. In accordance with AFMAN 36-2100, Table A2.2: Rule 2, *Direct Accession and/or Minimum Term of Service (MTAS)*, the ADSC is three (3) years for all other Health Professions Officer; Rule 7, *Graduate Professional Education (GPE) internship and/or residency*, the ADSC is one-half (1/2) year for each one-half (1/2) year or portions thereof, minimum two (2) years.

On 14 Jun 19, the applicant entered active duty and in Aug 20, he graduated from his residency program which started his MTAS (Rule 2) 3-year ADSC obligation. On 2 Jul 21, he was licensed,

which started his 2-year ADSC obligation for residency training (Rule 7). This ADSC ran concurrently with his MTAS ADSC.

On 19 Sep 22, the Biomedical Service Corps (AFPC/BSC) office consulted with AFPC/JA Office of Officer Personnel Law regarding the applicant's ADSC and his application for separation. Specifically, they asked if they should hold the member to the Aug 23 ADSC or remove the ADSC. They stated that the basis for their request was that the applicant had applied for a Jan 23 separation because he had no ADSC on his record. They further stated that in Jun 19, they did not place an ADSC in his record, which would expire in Aug 23; however, they just caught this oversight and in Sep 22 added that ADSC to his record.

AFPC/JA opined that the applicant should be held to the Aug 23 ADSC as not only was he aware of it per his extended active duty order, but he also agreed to it on AFRS IMT 1430, Section V. Failure to add the ADSC to the personnel system is an administrative oversight and does not absolve him of the requirement to satisfy it. In applying for voluntary separation, the applicant may ask for a waiver of the remaining commitment beyond his requested date of separation. Finally, the applicant should not be released early from his service commitment due to the critical manning state of his career field.

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 9 Jan 23 for comment (Exhibit D), and the applicant replied on 5 Apr 23. In his response, the applicant contended since he initially applied for separation after serving what he had been told was his service commitment, with the full support of his leadership, in Sep 22, AFPC has added two additional service commitments to his record: 8 Aug 23; and 2 July 23, and admitted that they were correcting years of errors and oversights. However, by doing so, they also have refused to take any actions which would aid the member who is unduly impacted by their oversights and errors.

He is not going to further dispute his ADSCD of 2 Jul 23, as he was informed in Dec 20 by his former Training Director that service commitments had been updated such that "if you're not Health Professions Scholarship Program, you owe 2 years once you're licensed." However, he maintains that the ADSCD of 8 Aug 23 is inconsistent with what he was told was his service commitment by Air Force personnel.

Countless hours have been wasted by high-level military members over this dispute of about 37 days (the difference between 8 Aug 23 and 2 Jul 23) in order for AFPC to try and cover up that either they screwed up by never placing ADSCs on his record for the first 3+ years of his career or they added ADSCs immorally, unethically, and perhaps illegally without notifying him and without his consent or acquiescence.

If the checks and balances in the Air Force decides to collude with the actions of AFPC in its efforts to manipulate a real person's life because they have not prioritized backfilling any of the open billets, he will have a difficult time reconciling how this hypocrisy could be consistent with the shared values of integrity, and excellence. He would like to believe that there is still some semblance of both remaining in this process.

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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DP2MNW and finds a preponderance of the evidence does not substantiate the applicant’s contentions. The Board finds that the applicant was notified of and acknowledged the required ADSC when he signed and initialized Sections III and V of AFRS IMT 1430. He again was notified of and acknowledged the required ADSC when he was issued his extended active duty order, which specifically states in Block 13, “Date of Separation (DOS) is based on Active Duty Service Commitment (ADSC) of Three (3) years after completion of internship.” The Board notes that failure to add the ADSC to the personnel system is an administrative oversight and does not absolve the applicant of the requirement to satisfy the commitment. Therefore, the Board 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 evidence did not demonstrate material error or injustice, 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-2022-02808 in Executive Session on 16 Feb 23 and 6 Apr 23:

<i>Work-Product</i>	Panel Chair
<i>Work-Product</i>	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 27 Oct 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2MNW, w/atchs, dated 4 Jan 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 9 Jan 23.
- Exhibit E: Applicant’s Response to Advisory, w/atrch, dated 5 Apr 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.

4/10/2023

X

*Work-Product*

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Board Operations Manager, AFBCMR

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