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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2022-03091

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, Block 24, *Character of Service* for the period 27 Jun 90 through 24 Sep 90 be changed from "Not Applicable" to "Honorable."

APPLICANT'S CONTENTIONS

On 31 Mar 23, he was approved for a military retirement, after he was selected for non-retention as an Air National Guard (ANG) Title 32 Dual Status Technician. He requested a retirement estimate from the Army Benefits Center – Civilian (ABC-C) and was informed his DD Form 214 for the period 27 Jun 90 through 24 Sep 90 reflected a Character of Service as "Not Applicable" in Block 24. ABC-C notified him his DD Form 214 would need to reflect "Honorable" to count towards his retirement. The current impact is resulting in a loss of Federal service time counted towards civilian federal employee retirement and the loss of civilian retirement annuity for this time of honorable military service.

The Force Support Squadron (FSS), Director of Personnel submitted a memorandum for record detailing the attempts made by the FSS to correct the applicant's DD Form 214. After exhausting all options, the FSS was informed by the Total Force Service Center, the correction had to be submitted to the Air Force Board for Correction to Military Records.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired ANG colonel (O-6) awaiting pay at age 60.

According to NGB Form 22, *Departments of the Army and the Air Force National Guard Bureau Report of Separation and Record of Service*, provided by the applicant, he enlisted on 3 Feb 90, and was discharged on 2 Feb 96. He was credited with six years of active-duty service. Block 24, *Character of Service* reflects "Honorable."

According to the applicant's DD Form 214, he entered active duty on 27 Jun 90 and was discharged on 24 Sep 90. He was credited with 2 months and 27 days of active service for "Completion of Initial Active-Duty Training" and Block 24, reflects "Not Applicable."

On 12 Jul 90, according to AF Form 1256, *Certificate of Training*, provided by the applicant, he successfully completed Basic Military Training.

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On 24 Sep 90, according to AF Form 1256, *Certificate of Training*, provided by the applicant, he successfully completed the Intelligence Operations Specialist Course.

On 24 Sep 90, according to ATC Form 499, *United States Air Force Air Training Command Honor Graduate*, provided by the applicant, he was recognized for superior academic achievement.

According to NGB Form 438, *Honorable Discharge from the Air National Guard and as a Reserve of the Air Force Certificate*, provided by the applicant, on 3 Feb 96, he was honorably discharged from the Air National Guard of West Virginia.

According to Reserve Order **Work-Product**, dated 29 Sep 22, the applicant was relieved from his current assignment, assigned to the Retired Reserve Section, and placed on the USAF Reserve Retired List, effective 31 Mar 23.

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

APPLICABLE AUTHORITY/GUIDANCE

According to AFR 39-10, *Separation Upon Expiration of Term of Service, for Convenience of Government, Minority, Dependency and Hardship*:

1-19. Separation Without Service Characterization:

Entry Level Separation. Airmen are in entry level status during the first 180 days of continued active military service or the first 180 days continuous active military service after a break of more than 92 days of active service. A separation action initiated while the Airman is in entry level status will be described as an entry level separation unless:

(1) A service characterization under other than honorable conditions is authorized under the reason for discharge and is warranted by circumstances of the case; or

(2) The Secretary of the Air Force determines, on a case-by-case basis, that characterization as honorable is clearly warranted by unusual circumstances of personal conduct and performance of military duty. The separation authority will forward a recommendation for an honorable characterization to HQ AFMPC/DPMARS2, Randolph AFB, TX 78150-6001, for review and further processing. This characterization is authorized if the reason for separation is:

- (a) A change in military status according to chapter 2; or
- (b) For the convenience of the government according to chapter 3; or
- (c) For disability according to AFR 35-4; or
- (d) Directed by the Secretary of the Air Force according to paragraph 1-2.

AIR FORCE EVALUATION

NGB/A1PP, recommends granting the applicants request to change the service characterization from "Not Applicable" to "Honorable" on his DD Form 214 for the period 7 Jun 90 through 24 Sep 90. Based on the documentation provided by the applicant and analysis of the facts, there is sufficient evidence of an error or injustice. In 2022, the applicant was selected for non-retention as an ANG Title 32 Dual Status Technician and subsequently approved for a military retirement with an effective date of 31 Mar 23. When the applicant requested a Retirement Estimate from the Army Benefits Center – Civilian (ABC-C) he was informed the period of 27 Jun 90 through

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24 Sep 90 would not count toward his retirement because the character of service reflected “Not Applicable” on his DD Form 214.

According to United States Office of Personnel Management (OPM), *Benefits Administration Letter*, Number 12-103, Military Service, “All periods of creditable active military service must be documented with a DD 214 reflecting the character of the service performed and any lost time. In the absence of a DD 214, OPM will accept a document signed by an official verifying the service (including National Personnel Records Center), a certificate of military service noting active-duty dates and honorable discharge, a copy of orders placing him on and off duty, or military academy certification noting attendance and graduation.” According to AFR 39-10, paragraph 1-18, there were only three types of service characterization: “Honorable,” “General (Under Honorable Conditions).” and “Under Other than Honorable Conditions.” Based on service the applicant performed, his characterization of service should have reflected “Honorable.”

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 7 May 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 not the victim of an error or injustice. While the Board notes the comments of NGB/A1PP in favor of granting relief, the Board believes a preponderance of the evidence fails to substantiate the applicant’s contentions. In accordance with the AFR 39-10, the characterization on the DD Form 214 is correct as written since the applicant was discharged from active duty while still in an entry level status and the applicant has provided insufficient evidence an honorable service characterization is clearly warranted by unusual circumstances of personal conduct and performance of military duty. Therefore, the Board recommends against correcting the applicant’s records.

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-2022-03091 in Executive Session on 27 Sep 23:

Work-Product	Panel Chair
Work-Product	Panel Member
Work-Product	Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 23 Nov 22.


Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory opinion, NGB/A1PP, dated 23 Jan 23.

Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 7 May 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.

4/24/2024



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