

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

Work-Product

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-03140

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: YES

Work-Product

APPLICANT'S REQUEST

He be credited with two (2) satisfactory Retention/Retirement (R/R) years for fiscal years 2020 – 2022 due to COVID-19 travel and duty restrictions.

APPLICANT'S CONTENTIONS

He separated in Jun 20 during the outbreak of the COVID-19 pandemic, and due to lockdowns and travel restrictions it made it difficult to travel from his home to his newly assigned Reserve duty station in order to properly in-process. Additionally, due to the pandemic he spent 6 months post-separation unemployed and searching for employment to provide for his family. Finally, due to a miscommunication between him and the recruiter, he was told he was going to a different unit than the one he was assigned, and it took several months to resolve.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 30 Jun 20, according to his DD Form 214, *Certificate of Release or Discharge from Active Duty*, dated 30 Jun 20, the applicant was honorably released upon completion of required active service.

On 1 Jul 20, according to Reserve Order Work-Product dated 6 Aug 20, the applicant was appointed to the Reserve of the Air Force in the grade of O-3.

On 13 Feb 23, according to the Military Personnel Database System, the applicant's Point Credit Accounting and Reporting System for R/R years 2020 and 2021 shows he was credited with the following Active Duty (AD), Inactive Duty for Training (IDT), membership (MBR), and retirement points:

R/R Year	AD	IDT	MBR	Retirement	Satisfactory Service (Year)
3 May 20 – 2 May 21	59	0	12	71	010000
3 May 20 – 30 Jun 20	59	0	0	59	000128
1 Jul 20 – 2 May 21	0	0	0	12	000000
* 3 May 21 – 2 May 22	0	0	15	15	000000

* Unsatisfactory Year

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 the myPers Incident Thread, **Work-Product** addressed "To our Individual Reservists," FY21 NDAA allowed the Secretary of Defense to grant up to a MAXIMUM of 35 retirement points during the Declared National Emergency Proclamation 9994 to members facing a shortfall during the covered emergency. It applied to members who were affected in such a way that travel and duty restrictions during this time period resulted in the inability to earn a satisfactory year of service and MAY be granted an additional non-pay points to achieve the total of 50 points required. The term "covered emergency period" means the period beginning on 1 Mar 20 and ending on the day that is 60 days after the date on which the duty or travel restriction applicable to the person was lifted.

These points will NOT be broadly awarded to all Reserve members but will only be applied with the following restrictions:

1. The Member must be in good standing. That means the member was scheduled and striving to participate with the intent of achieving a satisfactory year of service. If they were not participating and had not communicated their intent to participate, they would not be considered in good standing.
2. The member will not be credited with more than 35 points in a one-year period.
3. The days of active service of period(s) of drill must have been previously scheduled to be performed on or after 1 Mar 20.

Members must identify how many points they require, up to 35, to achieve a satisfactory year of service. They must complete the "Coronavirus Disease 2021 Statutory Relief of Computation of Years of Service Request" template and have it signed by: the member making the request; the IR member's active component supervisor; and IR member's Detachment Commander. Members will have multiple opportunities to submit their requests for points relief to their respective RIO Detachments. The initial suspense will be early Nov 22.

AIR FORCE EVALUATION

HQ RIO/IRO recommends denying the applicant's request. Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice. Headquarters, Readiness and Integration Organization (RIO) Detachment 7 provided the applicant a Newcomer Welcome Memorandum on 22 Aug 20 which correctly informed him of his assigned Unit Reserve Coordinator (URC), to include name, email address, and phone number, in order to assist in his transition from active duty. Additionally, the letter instructed him to reach out to the URC within 10 days after receipt to schedule his participation for the remainder of the fiscal year. Lastly, the unit of assignment listed on the Air Force Form 1288, *Application for Ready Reserve Assignment*, signed by the applicant and processed by his recruiter, properly documented his unit of assignment. As such, there was no administrative error that prevented him from contacting the correct URC to coordinate his participation.

Although there were nationwide travel and duty restrictions that prevented service members from participating, there is an administrative process for Reserve personnel to request a satisfactory Reserve retirement year due to travel and duty restrictions during the COVID pandemic as

outlined in the 221011-011492 myPers Incident Thread sent to all Individual Reservists. He did not submit a request for the participation waiver for either FY21 or FY22.

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 21 Mar 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. Although there were nationwide travel and duty restrictions that may have prevented service members from participating, there was an administrative process for Reserve personnel to request a satisfactory Reserve retirement year due to these travel and duty restrictions during the COVID-19 pandemic as outlined in the **Work-Product** myPers Incident thread sent to all Individual Reservists. The applicant did not submit a request for the participation waiver for either FY21 or FY22. Therefore, the Board concurs with the rationale and recommendation of HQ RIO/IRO and finds a preponderance of the evidence does not substantiate the applicant's contentions. Accordingly, 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-2022-03140 in Executive Session on 4 May 23:

- Work-Product** Chair, AFBCMR
- Work-Product** Panel Member
- Work-Product** Panel Member

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

- Exhibit A: Application, DD Form 149, dated 28 Nov 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, HQ RIO/IRO, dated 23 Feb 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 21 Mar 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.

7/18/2023

X

Work-Product

Board Operations Manager, AFBCMR

Signed by:

Work-Product