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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-03159

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COUNSEL: NONE

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

He be placed on the Reserve Retired List, effective 6 Feb 08 and be granted a Reserve retirement, eligible for retired pay at age 60.

### APPLICANT'S CONTENTIONS

He received his 20-year service letter and began applying for retirement at age 60 upon receiving his retirement orders on 14 Oct 22. However, he was told he did not retire from the Air Force Reserve but was listed as a former member. His records should be corrected for a Reserve retirement.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a retired Air Force staff sergeant (E-5).

The applicant's automated records management system (ARMS) record includes AF Form 131, *Application for Transfer to the Retired Reserve*, dated 4 Feb 01 showing the applicant requested to be transferred to the Retired Reserve, effective 13 Mar 01. The AF Form 131 is endorsed by his unit commander; however, the final signature for approval/disapproval is absent.

Per Special Order dated 15 Feb 01 and the applicant's NGB 22, *National Guard Bureau Report of Separation and Record of Service*, dated 11 Mar 01, he was discharged from the Air National Guard (ANG) on 11 Mar 01 and transferred to the Air Force Retired List, effective 12 Mar 01. The special order states the "Airman has applied for transfer to the USAF Reserve Retired List."

Per Reserve Order dated 27 Mar 08, the applicant was discharged from the Air Force Reserve, effective 6 Feb 08.

Per Reserve Order dated 14 Oct 22, the applicant was placed on the Air Force Retired List in the rank of staff sergeant, effective 8 Apr 22.

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

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## APPLICABLE AUTHORITY/GUIDANCE

Air Force Instruction 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*, dated 14 Apr 05. Paragraph 1.2.1. *Former Members*. All members who are eligible for transfer to the Retired Reserve and choose discharge must be formally counseled concerning this policy and its effects on their benefits.

## AIR FORCE EVALUATION

ARPC/DPTT recommends denial. There is no evidence of an error or injustice because the applicant did not apply to be transferred to the Retired Reserve prior to being discharged. Per AFI 36-3203, *Service Retirements*, Reserve component members use AF IMT 131 to apply for transfer to the Retired Reserve. The applicant's record shows he received the Notification of Eligibility for Reserve Retired Pay at Age 60 letter. The applicant was discharged from the Air Force Reserve on 6 Feb 08. The applicant is eligible for a former member identification card and is still eligible to apply for Reserve retired pay at age 60 (or at an approved reduced retirement pay age, if applicable). If the Board grants relief, the applicant's discharge of 6 Feb 08 would need to be rescinded and he be placed on the Retired Reserve list effective 6 Feb 08.

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 26 Jan 03 for comment (Exhibit D) but has received no response.

## FINDINGS AND CONCLUSION

1. The application was not timely filed; however, it is in the interest of justice to excuse the delay.
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 the victim of an error or injustice. While the Board notes the recommendation of ARPC/DPTT against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions. The applicant's records includes an AF Form 131 and his NGB 22 indicates his reason for discharge as transfer to the Reserve Retired list. Moreover, the Board finds that if the applicant had known the proper procedures for the retirement application process, he would have adhered to them since he served sufficient time to be eligible for a Reserve retirement. To deny relief in this circumstance would be to place form over substance, to the detriment of the applicant. Therefore, the Board recommends correcting the record as indicated below.
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 pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that he was not discharged from the Air Force Reserve on 6 Feb 08, but on that date, he was assigned to the Retired Reserve Section, and his name was placed on the Retired

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Reserve List, and he was eligible for retired pay at age 60, under the provisions of Title 10, United States Code, Section 12731.

**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-2022-03159 in Executive Session on 12 Sep 23:

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

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 14 Nov 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, ARPC/DPTT, w/atchs, undated.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 26 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.

8/20/2025

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Board Operations Manager, AFBCMR  
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