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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-2022-03227

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He be granted a Reserve retirement, eligible for retired pay at age 60.

APPLICANT'S CONTENTIONS

He attempted to apply for a Reserve retirement in Oct 12; however, his Inactive Ready Reserve (IRR) identification card had expired by two days. The person helping him in the personnel office instead discharged him. She admitted years later she should not have discharged him. He was never given discharge orders. He requests his records reflect he applied for a Reserve retirement in 2012 so he may receive retired pay at age 60 (Apr 23). He trusted the personnel office to do the right thing as he did not know the rules. He applied for a correction to the Air Force Discharge Review Board (AFDRB), docket number FD-2021-00223 but never received a response.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force Reserve technical sergeant (E-6).

On 31 Aug 05 and 2 Sep 05, the applicant was notified of his eligibility for retired pay at age 60 (20-year letter). It states the applicant completed the required years of service under the provisions of 10 U.S.C. § 12731 and he was entitled to retired pay upon application at age 60. It further stated, his eligibility for retired pay may not be denied or revoked on the basis of any error, unless which retired pay is computed may be adjusted to correct any error.

Per Reserve Order **Work-Product** dated 6 Nov 12, the applicant was honorably discharged from the Air Force Reserve, effective 14 Oct 12.

Per the MyPers Notification dated 28 Dec 12, the applicant's request to apply for a Reserve retirement on 11 Dec 12 was denied since he was discharged prior to the requested retirement date.

On 14 Apr 21, the applicant submitted a DD Form 293, *Application for the Review of Discharge from the Armed Forces of the United States*. On 23 Sep 21, the AFDRB returned the applicant's request without action indicating the applicant's request was under the purview of the AFBCMR.

Per the MyPers Notification dated 13 Feb 23, the applicant's request for a Reserve retirement was denied. He was informed he was eligible for a former member identification card.

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

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 36-2603, *Service Retirements*, Reserve members use AF IMT 131, *Application for Transfer to the Retired Reserve Component*, to apply for a transfer to the Retired Reserve component.

The applicant applied for a Reserve Retirement on 11 Dec 12, with a retirement effective date of 12 Dec 12 and the application was disapproved. The applicant then applied again on 31 Jan 17 with a retirement effective date of 1 Feb 17. He was notified by MyPers due to his discharge in Oct 12, he was not eligible for a Reserve retirement since he did not apply prior to his 14 Oct 12 discharge. The applicant's records also indicate he received the Notification of Eligibility for Reserve Retired Pay at Age 60 letter. The applicant is eligible for a former member identification card and still eligible to apply for Reserve retired pay at age 60 (or at an approved reduced retirement pay age date, if applicable). Should the Board elect to grant the request, the applicant's discharge of 14 Oct 12 would need to be rescinded and the Board would need to direct that the applicant be placed on the Reserve Retired list, effective 14 Oct 12.

The complete advisory opinion, with attachments, is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 27 Apr 23 for comment (Exhibit E) but has received no response.

FINDINGS AND CONCLUSION

- 1.. The application was not timely filed, but 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 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 and result in an injustice. Therefore, the Board recommends correcting the record as indicated below.

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 14 Oct 12, but on that date, he was assigned to the Retired Reserve Section, and his name was placed on the Retired 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-2022-03227 in Executive Session on 12 Sep 23:

Work-Product, Panel Chair
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 8 Nov 12.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: AFDRB memorandum, w/atchs, dated 14 Apr 21.
- Exhibit D: Advisory opinion, ARPC/DPTT, w/atchs, dated 7 Mar 23.
- Exhibit E: Notification of advisory, SAF/MRBC to applicant, dated 27 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.

8/27/2025

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Board Operations Manager, AFBCMR
Signed by: USAF

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