

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-03251

XXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Correct her official military record to reflect a Mandatory Separation Date (MSD) of 11 Sep 24 vice 11 Sep 22.

APPLICANT'S CONTENTIONS

Her extension request was not submitted prior to MSD due to oversight at the Force Support Squadron and Joint Forces Headquarters.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving [State] Air National Guard major (O-4).

On 20 Mar 20, according to AF Form 133, *Oath of Office (Military Personnel)*, the applicant was commissioned as a Reserve of the Air Force and appointed as a major (O-4) in the Medical Corps.

On 20 Mar 20, according to NGB Form 337, *Oaths of Office*, the applicant was granted temporary Federal Recognition in the grade of major (O-4) in the [State] Air National Guard.

On 20 Mar 20, according to NGB Form 36-11, *Statement of Understanding for Excess/Overgrade Condition*, the applicant was assigned in an excess condition with an expiration date of 19 Mar 24.

On 20 Mar 20, according to Special Order XXXXX, dated 15 Apr 20, the applicant was appointed as a major (O-4) in the [State] Air National Guard as an Internist.

On 1 Oct 21, according to HQ ARPC/DPTTS letter, the applicant's MSD was extended under the provisions of Title 10, United States Code, Section 14703 (10 USC 14703); however, the date of the extended MSD was not provided.

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

AIR FORCE EVALUATION

NGB/A1PP recommends granting the application. Based on the documentation provided by the

applicant and analysis of the facts, there is evidence of an error or injustice. The applicant's Force Support Squadron and Joint Forces Headquarters are responsible for generating monthly reports that reflect which service members are due for MSD extension. The applicant was not identified as requiring an MSD extension.

The applicant was accessed into the [State] Air National Guard on 20 Mar 20 and placed in an excess status until 19 Mar 24. Her initial MSD was set to 11 Sep 22.

In accordance with Air Force Instruction (AFI) 36-3203, *Service Retirement*, Table 5.2., Note 5, requests for MSD extensions under 10 USC 14703 must be submitted at least six months prior to the officer becoming eligible for retirement. Based on the admission of the state's headquarters, this action was missed, and the applicant was never submitted for extension. In a letter dated 1 Oct 21, HQ ARPC notified her of the ability to request an extension; however, the applicant's current MSD was not listed in the letter itself.

Additionally, the applicant's commander requested her MSD extension be approved stating the internist position she currently holds is difficult to fill. Due to the applicant's excess condition, the commander stated she is a suitable substitution for other vacant healthcare provider positions; however, the applicant does not qualify as she does not hold the appropriate Air Force Specialty Code (AFSC). NGB/AIPO verified this fact and finds it extremely justifiable to request the 44F (Family Practice) AFSC be switched to a 44M (Internist) AFSC in order to allow the applicant to remain on board. The state has also requested the applicant's excess condition match the requested MSD extension date to ensure good force management.

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 12 Apr 23 for comment (Exhibit D), and the applicant replied on 14 Apr 23. In her response, the applicant contended she reviewed the advisory and agreed with the affirmation that, due to an administrative error, her application to extend her MSD should be approved for extension to 11 Sep 24.

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 the victim of an error or injustice. The Board concurs with the rationale and recommendation of NGB/A1PP and finds a preponderance of the evidence substantiates the applicant's contentions. Due to an administrative oversight, outside the applicant's control, her request for MSD extension was not submitted and/or processed prior to her established MSD; however, once submitted, her local chain of command recommended approval. Therefore, the Board recommends correcting the applicant's records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show competent authority extended her Mandatory Separation Date from

11 September 2022 to 11 September 2024, in accordance with Title 10, United States Code, Section 14703.

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-2022-03251 in Executive Session on 9 May 23:

, Panel Chair
, Panel Member
, Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 9 Dec 22.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory opinion, NGB/A1PP, w/atch, dated 6 Feb 23.
Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 12 Apr 23.
Exhibit E: Applicant's response, dated 14 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.

X

Board Operations Manager, AFBCMR