

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00003

XXXXXXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Correct his DD Form 214, *Certificate of Release or Discharge from Active Duty*, Block 18. *Remarks* and Block 28. *Narrative Reason for Separation* to reflect he separated for Benefit of the Government/DoD due to overmanning/overstaffing of his Air Force Specialty within Force Shaping/PALACE CHASE.

APPLICANT'S CONTENTIONS

His DD Form 214, Block 18 states he "completed first full term of service & subject to recall or annual screening" and Block 28 indicates he transitioned from active "regular" Air Force to reservist for "Miscellaneous/General Reasons" when, in fact, he transitioned for benefit of government/DoD due to overmanning/overstaffing of his Air Force Specialty within Force Shaping/PALACE CHASE within that fiscal year. When he applied for Veterans Administration (VA) benefits, he was denied, and they stated his length of service and Blocks 18 and 28 are too vague and must detail the above stated transition within Force Shaping. Additionally, he did meet his reservist obligation and was honorably discharged from the United States Air Force Reserve (USAFR) on 12 May 11 as indicated on his DD Form 256 AF, *Honorable Discharge Certificate*.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an honorably discharge Air Force Reserve airman first class (E-3).

On 13 May 03, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant entered the Regular Air Force (RegAF) for a period of four years.

On 8 Jun 04, according to AF Form 31, *Airman's Request for Early Separation/Separation Based on Change in Service Obligation*, the applicant applied for separation under the Fiscal Year 2004 (FY04) Force Shaping Program.

According to AF Form 3566, *Individual Ready Reserve (IRR) Agreement*, the applicant signed/acknowledged a Military Service Obligation of 12 May 11.

On 17 Sep 04, the applicant was furnished an honorable discharge from RegAF with Narrative Reason for Separation: Miscellaneous/General Reasons, Separation Code: MND [Miscellaneous/General Reasons], credited with 1 year, 4 months, 5 days active service, and transferred to the USAFR.

On 12 May 11, according to Reserve Order XXXX, dated 17 May 11, the applicant was honorably discharged from the USAFR.

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

AIR FORCE EVALUATION

AFPC/DPMSSR recommends partially granting the application. Based on review of the applicant's request and the Master Personnel Record, there is a minor error with the statement in Block 18. *Remarks*, which will be administratively corrected. Otherwise, there is nothing else incorrect with the discharge processing.

The applicant submitted a voluntary separation application using the Limited Active Duty Service Commitment (LADSC) Program under the FY04 Force Shaping Program. The LADSC program allowed officer and enlisted personnel to request retirement or separation prior to completing specified service commitments incurred by normal Date of Separation (DOS)/Expiration of Term of Service (ETS). The requirement was to voluntarily apply and use the "Miscellaneous/General Reasons" as the reason/provision. The applicant did not request, nor was he approved for, PALACE CHASE. The remainder of his military service obligation was completed in the IRR, which is separate from PALACE CHASE.

The applicant was discharged in accordance with Air Force Instruction (AFI) 36-3208, *Administrative Separation of Airmen* (Miscellaneous/General Reasons) and MPFM 04-35, *Air Force Force Shaping Program Phase II*, with an honorable service characterization.

While he was allowed to separate from the Air Force prior to completing his enlistment contract, that contract is still valid; therefore, the statement "member has NOT completed first full term of service" should have been placed on his DD Form 214, Block 18. An error was made in this case. The statement "subject to recall to active duty/and or annual screening" is a common statement to indicate the Service Secretary may institute a recall of former service members to active duty. There is no error with this statement and there should be nothing for the VA to review or consider regarding potential entitlements.

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 Feb 23 for comment (Exhibit D) but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed. The Board notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Department of the Air Force Instruction 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find it in the interest of justice to waive the three-year filing requirement.
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. The Board concurs with the rationale of AFPC/DPMSSR and finds a preponderance of the evidence does not substantiate the applicant's contentions. The applicant was separated in accordance with AFI 36-3208 and MPFM 04-35, which dictated the use of Miscellaneous/General Reasons as the separation provision. Other than a minor error in Block

18 regarding the applicant's completion of his first full term of service, there is no error with the discharge processing. Therefore, with the exception of the aforementioned administrative correction, the Board recommends against correcting the applicant's records.

RECOMMENDATION

The Board recommends informing the applicant the application was not timely filed; it would not be in the interest of justice to excuse the delay; 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-2023-00003 in Executive Session on 31 Aug 23:

, Panel Chair
, Panel Member
, Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 16 Dec 22.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, AFPC/DPMSSR, dated 14 Feb 23.
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 21 Feb 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