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

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2023-00232

Work-Product

**COUNSEL:** Work-Product

**HEARING REQUESTED:** Work-P...

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**APPLICANT'S REQUEST**

His records be corrected to reflect he was advanced to the rank of master sergeant/E-7 on the retired list, effective 1 Nov 22 (30 years of service).

**APPLICANT'S CONTENTIONS**

He was going through a harsh divorce from 1988 to 1991 in which he lost everything and became very bitter toward the situation. His job performance remained high, but his personal life failed him and the Air Force, and he is deeply sorry for his actions. His civilian status has been wonderful since his separation from the military. He gained a greater purpose for his life through serving others. He regrets the shame he brought upon the Air Force and asks for forgiveness.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

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

On 1 Mar 86, according to Special Order Work-Product, the applicant was promoted to the grade of E-7.

On 5 Jun 92, according to Special Court-Martial Order Work-P..., the applicant pled to and was found guilty of theft of 35 cases of beer, 13 cartons of cigarettes, and 6 video tapes, the property of the Army and Air Force Exchange Service. He was sentenced to a reduction to staff sergeant/E-5 and confinement for five months.

On 8 Oct 92, the applicant was released from confinement and returned to duty.

On 1 Nov 92, the applicant was retired in the grade of E-5. He was credited with 24 years, 2 months, and 11 days of active service for retirement.

On 3 Nov 92, the Secretary of the Air Force Personnel Council (SAFPC) determined the applicant did not serve satisfactorily in any higher grade than E-6 and would not be advanced under the provisions of 10 U.S.C. § 8964.

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

**AIR FORCE EVALUATION**

**AFBCMR Docket Number BC-2023-00232**

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AFPC/DPMSSR (Retirement Policy and Procedures) recommends denying the application. On 3 Nov 92, SAFPC reviewed the applicant's records and determined he did not serve satisfactorily in the higher grade of E-7; however, he did serve satisfactorily in the grade of E-6 and would be advanced to that grade on the retired list effective the date of completion of all required service. A review of his master pay file reflects his grade for retired pay was changed to E-6 upon reaching 30 years of service.

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

#### **ADDITIONAL AIR FORCE EVALUATION**

SAF/MRBP (Secretary of the Air Force Personnel Council) recommends denying the application. In accordance with AFI 36-3203, *Service Retirements*, paragraph 8.5.1. When Regular enlisted members' and certain Reserve enlisted member's active service plus service on the retired list totals 30 years, they may be advanced on the retired list to the highest grade served on active duty satisfactorily and receive retired pay in that grade, as determined by the Secretary of the Air Force or designee under 10 U.S.C. § 9344 (in 1998, the provision was listed under 10 U.S.C. § 8964). Each retired member of the Air Force covered by subsection (b) who is retired with less than 3 years of active service is entitled, when his active service plus his service on the retired list totals 30 years, to be advanced on the retired list to the highest grade in which he served on active duty satisfactorily), as determined by the Secretary of the Air Force. Indicators that service was not satisfactory include: The member held the highest grade for less than six months; The highest grade held was terminated for cause; Retirement in lieu of or a result of a demotion action and the retired grade is not the highest grade held; or New evidence exists about misconduct during past service.

In Nov 92, the applicant's record met the Air Force Personnel Board for consideration for advancement on the retired list. After a thorough review of the evidence, the Board concluded the applicant's service in the grade of E-7 was not satisfactory. However, the Board found his service in the grade of E-6 was satisfactory and directed he be advanced to that grade when he attained 30 years of total service (2002). According to evidence provided with this application, the applicant currently holds the grade of E-6. The applicant has presented no evidence whatsoever that he is the victim of an error or injustice. A review of his records indicates there was a sufficient basis for the applicant's demotion from E-7 to E-5 as a result of his conviction at a Special Court Martial for theft. Additionally, documentation in his military personnel records indicates SAFPC reviewed his records as required and correctly determined his highest grade satisfactorily held was E-6. The applicant has presented no evidence to indicate neither the demotion, nor subsequent determination by SAFPC on his retired grade, represent an error or injustice. While the applicant indicates he is doing well in retirement, clemency is not an authorized basis for the correction the applicant seeks.

The complete advisory opinion is at Exhibit E.

#### **APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 11 Oct 23 for comment (Exhibit F) 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 (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*.
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 and recommendation of AFPC/DPMSSR and SAF/MRBP and finds a preponderance of the evidence does not substantiate the applicant's contentions. Therefore, 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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2023-00232 in Executive Session on 23 Jan 24:

Work-Product, Panel Chair  
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, w/atchs, dated 18 Jan 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSSR, dated 5 Sep 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 6 Sep 23.
- Exhibit E: Advisory Opinion, SAF/MRBP, dated 6 Oct 23.
- Exhibit F: Notification of Advisory, SAF/MRBC to Applicant, dated 11 Oct 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.

4/18/2025

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Board Operations Manager, AFBCMR  
Signed by: Work-Product

**AFBCMR Docket Number BC-2023-00232**

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