



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00455

Work-Product

COUNSEL: NONE

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HEARING REQUESTED: NO

APPLICANT'S REQUEST

Her DD Form 214, *Certificate of Release or Discharge From Active Duty*, reflect the grade of airman first class (E-3).

APPLICANT'S CONTENTIONS

Her DD Form 214 should reflect her correct grade due to her promotion to airman first class.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force airman (E-2) who was medically retired.

Dated 24 Aug 11, Special Order **Work-Product** indicates the applicant was placed on the temporary disability retired list (TDRL) in the grade of airman first class with a compensable percentage for physical disability of 40 percent, effective 31 Oct 11. The order indicates the highest grade held on active duty was airman first class.

On 30 Oct 11, DD Form 214, *Certificate of Release or Discharge from Active Duty*, reflects the applicant was honorably discharged in the grade of airman (E-2) after serving 1 year, 6 months, and 11 days of active duty. She was discharged, with a narrative reason for separation of "Disability, Temporary."

Dated 24 Aug 11, Special Order **Work-Product** indicates the applicant was removed from the TDRL and retired in the grade of airman first class with a compensable percentage for physical disability of 40 percent, effective 30 Mar 14. The order indicates the highest grade held on active duty was airman first class.

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

AFBCMR Docket Number BC-2023-00455

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Controlled by: SAF/MRB
CUI Categories: **Work-Product**
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

AIR FORCE EVALUATION

AFPC/DPMSPP recommends denying the application finding no evidence of an error or injustice. Per AFI 36-2502, *Enlisted Airman Promotion/Demotion Programs*, Table 1.1 when determining ineligibility for promotion, updates were made in the Military Personnel Delivery System (MilPDS) to align with the guidance for the applicant's grade status reason (GSR) to reflect "3J" and a promotion eligibility status (PES) code to reflect "L" which denotes the Secretary of the Air Force declaring the applicant unfit due to physical disability with an effective date of 17 Aug 11. These updates made the applicant ineligible for promotion to airman first class and she was separated in the grade of airman as she was not eligible for promotion to airman first class until 20 Aug 11.

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 18 Apr 23 for comment (Exhibit D), but has received no response.

ADDITIONAL AIR FORCE EVALUATION

AFPC/DPMSPP provided another advisory to correct the previous advisory by adding the applicant's grade was erroneously updated in MilPDS and corrected to reflect the guidance.

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 19 Apr 23 for comment (Exhibit F), but has received no response.

FINDINGS AND CONCLUSION

1. The application was not 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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DPMSPP and finds a preponderance of the evidence does not substantiate the applicant's contentions. Specifically, the Board finds no error with the applicant's current DD Form 214 as this document correctly annotates her grade of airman (E-2) at the time of separation and she was not eligible for promotion to airman first class (E-3) before her separation. Special Orders erroneously reflect her highest grade held on active duty as airman first class; however, if a correction were to be made to correct her grade to airman, as correctly reflected on her DD Form 214, she would incur a debt which would be detrimental to the applicant. The Board also 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)*. The Board does not find it in the interest of justice to waive the three-year filing requirement. Therefore, the Board finds the application untimely and 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-2023-00455 in Executive Session on 20 Dec 23:

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/atch, dated 27 Jan 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSPP, dated 20 Mar 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 18 Apr 23.
- Exhibit E: Advisory Opinion, AFPC/DPMSPP, dated 19 Apr 23.
- Exhibit F: Notification of Advisory, SAF/MRBC to Applicant, dated 19 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.

1/8/2024

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Board Operations Manager, AFBCMR
Signed by: USAF