



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00541

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

1. He receive 144 pay and points from 12 Apr 21 – 3 Feb 23.
2. He receive the remainder of his 3F2X1 Incentive Bonus.
3. He receive consideration for a Stripes for Exceptional Performers (STEP) promotion to master sergeant (E-7).

APPLICANT'S CONTENTIONS

On 9 Mar 19, he was involved in a car accident which resulted in the loss of vision in his right eye. His wife is an active duty Air Force member and he was covered under her TRICARE plan as a dependent. During his recovery all medical procedures were conducted at San Antonio Military Medical Center (SAMMC) on Fort Sam Houston and at the Lackland AFB medical center. As such, the ~~Work-Product~~ AMDS had access to all his medical records; however, on 12 Apr 21, they still placed him on a No Pay, No Points (NPNP) status for non-compliance to produce medical records. According to email traffic, the ~~Work-Product~~ AMDS/SGN admitted that he was not "Non-Compliant" in failing to provide his medical records, because he was a dependent spouse of an active duty member and the AMDS staff had access to all his available medical records in their database. Thus, for the time period of 12 Apr 21 – 3 Feb 23, this erroneous NPNP status resulted in him missing pay for 144 points: 21 unit training assembly (UTA) points; 30 days of Annual Tour (AT); and 30 membership points; along with missing the remainder of his 3F2X1 Incentive Bonus and consideration for a STEP promotion.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

According to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant entered into the Regular Air Force (REGAF) on 23 Jan 01 and was Honorably discharged on 18 Oct 14 in the grade of staff sergeant (E-5).

On 11 Dec 17, according to DD FM 4, *Enlistment/Reenlistment Document Armed Forces of the United States*, the applicant enlisted in the Air Force Reserve for a period of six years in the grade of staff sergeant (E-5).

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On 9 Mar 19, according to the documents provided by the applicant, while not in a duty status the applicant was involved in a motor vehicle accident, which involved an injury and loss of vision in his right eye. His medical treatments, to include surgery, were all performed at military medical facilities in San Antonio as he was the dependent spouse of an active duty Air Force member and covered by TRICARE. Although the ~~Work...~~ AMDS had access to all his medical records, on 12 Apr 21, he was placed in a NPNP status for non-compliance for failure to provide medical documentation.

On 18 Oct 23, a pull from the Military Personnel Database System provided the applicant's Point Credit Summary report (PCARS), which reflects two unsatisfactory years (Retention/Retirement (R/R) years 2021 and 2022). Additionally, it reflects that for his 2022 R/R year, he earned member points only and that he started to earn participation points on 4 Feb 23. The applicant's total PCARS history for completed R/R years since entering the Reserve reflects the following:

R/R Year	AD	IDT	ECI	MBR	Retirement	Satisfactory Service (Year)
11 Dec 17 - 10 Dec 18	145	24	7	15	191	010000
11 Dec 18 - 10 Dec 19	15	32	0	15	62	010000
11 Dec 19 - 10 Dec 20	15	48	0	15	78	010000
11 Dec 20 - 10 Dec 21	0	20	0	15	35	000000
11 Dec 21 - 10 Dec 22	0	0	0	15	15	000000

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

APPLICABLE AUTHORITY/GUIDANCE

Air Force Manual (AFMAN) 36-2136, *Reserve Personnel Participation*, 6 Sep 19:

1.7. Medical Qualifications.

1.7.1. All reservists have to meet the medical standards in AFI 48-123 and the associated Medical Standards Directory (MSD) to be considered medically qualified to fully participate in the Air Force Reserve. **(T-2) Note:** Air Force Reserve commanders may initiate involuntary transfer to the Individual Ready Reserve for failing to meet medical standards.

1.7.2. Reservists with any expired Individual Medical Readiness (IMR) requirement as defined in AFI 10-250 will not participate in any point-gaining activities other than a military medical/dental evaluation or examination consistent with DoDI 1215.06. **(T-0)** This also includes reservist's failing to provide required medical records from private providers to facilitate a determination of the reservist's fitness for duty. **Exception:** A detachment commander may authorize participation for other than medical/dental evaluation or examination if the expiration was caused by the availability of medical provider(s) rather than delinquency of the reservist.

1.7.3. A member placed on a Duty (DR), Mobility (MR) or Fitness (FR) restrictions via an AF Form 469, Duty Limiting Condition Report, issued by any Air Reserve Component or active duty medical squadron may participate for pay and points within the restrictions outlined on the

member's AF Form 469. The commander will carefully consider the member's documented physical limitations, safety (to include travel to and from duty location) and mission requirements, and allow the member to participate within the restrictions outlined on the member's AF Form 469. (T-2) Commanders choosing to restrict a member's participation will formally notify them in writing. (T-2) A copy of the notification letter restricting the member from participation must be sent to the servicing FSS (Force Support Squadron) who will update the member's Duty Status Code to 14 in Military Personnel Data System AFMAN36-2136 6 SEPTEMBER 2019 13 (MILPDS). (T-2) The Commander must formally notify the FSS in writing when a member's previous restriction is removed or finalized. (T-2) Additionally, any Inactive Duty Training (IDT) which is missed due to medical limitations will be considered excused. (T-2) If the commander determines a member may safely perform any duties, a letter outlining these duties and restrictions must be presented to and acknowledged by the member. (T-2) When applicable, the Personnel Data System (PDS) will be updated to reflect the member as excused. See attachments 6 through 8 for sample memos. (T-2)

Department of Defense Instruction 36-2501, *Enlisted Airman Promotion and Demotion Programs*, Chapter 8, *Air Force Reserve (AFR) Promotion Program*:

8.1. Program Objectives. A promotion is advancement to a higher grade based on past performance and future potential. There are four enlisted promotion categories: Unit Vacancy, STEP I, STEP II, and Other (e.g., Medal of Honor, Missing in Action, AF Wounded Warrior, and Posthumous).

8.6. AFR STEP I. 8.6.1. This program authorizes promotion to the rank of TSgt for AFRC Unit, Individual and participating Individual Ready Reserve (IRR) members meeting the criteria in Table 8.2 (except vacant positions) and to whom the following criteria apply.

8.9. AFR STEP II. STEP II authorizes promotion of outstanding, well-deserving Airmen one grade over the unit manpower document position grade to which assigned; or members in a higher graded position who are being blocked for promotion who are otherwise eligible can be considered for STEP II. 8.9.1. Members must meet the following criteria for STEP II consideration: Meet eligibility requirements as outlined in paragraph 8.3 and Table 8.2, except for being in a higher graded position. (T-1); Be nominated by the immediate supervisor and have first endorsement by the unit commander or designated representative.

AIR FORCE EVALUATION

ARPC/DPTSP recommends denying the request. According to AFMAN 36-2136, Chapter 2, *Allowable Federal Service for Members of the Air Force Reserve*, paragraph 2.2, *Crediting Points and Satisfactory Federal Service*, award one point for each day of active duty. Award one point for each Inactive Duty Training period not to exceed two Inactive Duty Training periods per calendar day. Points may only be credited to the date a reservist actually performed the duty, except in those activities where the cumulative method is authorized. Upon review of the applicant's master personnel record, the Points Management Team found that the applicant did not earn points from 3 May 21 – 3 Feb 23 and does not meet the legal standard of AFMAN 36-2136 to be awarded any additional points other than what is currently reflected in his record. The applicant's request for back pay, the remainder of his incentive bonus, and consideration of a STEP promotion is not within their purview.

Therefore, based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice as the applicant's records accurately reflect all duty performed during the time 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 3 May 23 for comment (Exhibit D), but has received no response.

ADDITIONAL AIR FORCE EVALUATION

AFRC/A1KK recommends partially granting the request. Due to the inattention of the ~~Work...~~ AMDS, the applicant was wrongfully placed in a NPPN status that restricted him from participating in point gaining activities that he would have otherwise performed earning pay and points towards a good year. The error by the ~~Work...~~ AMDS, and at no fault of the applicant, warrants justice. On 12 Apr 21, he was placed in a NPPN status for non-compliance for failure to provide *medical* documentation. However, he was in communication with the ~~Work...~~ AMDS in which he explained that they had access to all his medical records. This is corroborated by an email from the ~~Work...~~ AMDS which states, "AMDS did not do due diligence for the member as all his care is on military installations in San Antonio as he is a dependent spouse of AD military. There was no reason to ask for medical records as they are all visible to AMDS staff for writing case. Member alludes the same in his 2020 email to AMDS. Member was not Non-Compliant as we had access."

Therefore, based upon the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice and the applicant should be awarded pay and points that were forfeited while in NPPN status. Pay and point gaining activities are listed in AFMAN 36-2136, Table 2.1, *Training, Pay, and Point Activities (Selected Reserve)*, and suggest that if he were in a normal participation status, he would have received pay and points for UTA and Annual Tour. Once his participation is corrected, the certificate of bonus eligibility should be reaccomplished and processed for bonus entitlement.

Notwithstanding the above, they recommend denying that portion of the request for STEP promotion consideration as the applicant did not provide, or is there any evidence to support eligibility or recommendation for promotion in accordance with Department of the Air Force Instruction 36-2502, *Enlisted Airman Promotion and Demotion Program*, prior to or while in NPPN status.

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 16 Oct 23 for comment (Exhibit F), but has received no response.

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. While the Board notes the recommendation of ARPC/DPTSP against correcting the record, the Board concurs with the rationale and recommendation of AFRC/A1KK and finds a preponderance of the evidence substantiates the applicant's contentions in part. Specifically, the Board finds he was wrongfully placed in a NPPNP status which restricted him from participating in pay and points gaining activities, as listed in AFMAN 36-2136, Table 2.1, and thus he should be awarded pay and points that were forfeited. Although the applicant's request is for 144 points for this period, it is unclear to the Board how he arrived at that number. Typically, drill weekends are usually the first weekend of the month and Traditional Reservists will receive 4 IDT points per drill weekend for a total of 48 IDT points a year. Traditional Reservists also earn one point per day for each day of Annual Training (AT) for a total of 15 AT points a year. Based on the applicant's UTAPS record, the Board determines the applicant's Participation Status Code was changed on 5 Jun 21 and he was placed in a NPPNP status through 9 Sep 22, and therefore is only entitled to the pay and points that he would have earned during that time period. As such, the Board determines the applicant missed participating in a total of 16 drill weekends, and two annual training periods. Therefore, the Board finds the applicant should be awarded a total of 94 points for the period of 5 Jun 21 through 9 Sep 22. However, as for the remainder of the applicant's request, the Board determines the evidence presented did not demonstrate an error or injustice, thus the Board finds no basis to recommend granting that portion of the applicant's request as applicant did not provide, or is there any evidence to support eligibility or recommendation for promotion in accordance with Department of the Air Force Instruction 36-2502, *Enlisted Airman Promotion and Demotion Program*, prior to or while in NPPNP status. 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:

- a) For Retirement and Retention year 11 Dec 20 through 10 Dec 21, the applicant be credited with an additional 15 Active Duty points for Annual Training and 28 Inactive Duty Training points.
- b) For Retirement and Retention year 11 Dec 21 through 10 Dec 22, the applicant be credited with an additional 15 Active Duty points for Annual Training and 36 Inactive Duty Training points.
- c) He receive all pay and benefits associated with the additional Active Duty and Inactive Duty Training points.

However, regarding the remainder of the applicant's request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

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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-2023-00541 in Executive Session on 7 Nov 23:

Work-Product Panel Chair
Work-Product 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 7 Feb 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, ARPC/DPTSP, w/atchs, dated 6 Apr 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 3 May 23.
- Exhibit E: Advisory Opinion, AFRC/A1K, dated 29 Aug 23.
- Exhibit F: Notification of Advisory, SAF/MRBC to Applicant, dated 16 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.

9/1/2025

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Board Operations Manager, AFBCMR
Signed by: *Work-Product*

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