



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00627

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His retired pay grade be changed from major (O-4) to lieutenant colonel (O-5).

APPLICANT'S CONTENTIONS

The Air Reserve Personnel Center (ARPC) failed to initiate the two-year time in grade (TIG) waiver he requested through myPers for his Reserve retirement. He decided to voluntarily retire and not wait for the three-year TIG requirement based upon his mental and physical health as he was already medically disqualified from flying and could no longer perform his duties as an officer and an instructor/evaluator pilot. Additionally, he was an Air Reserve Technician and had applied for a Discontinued Service Retirement from civil service. Per the instructions on the website, in the remarks section of his Reserve retirement application, he requested the TIG waiver, and continually followed up on the request via myPers, but to no avail. Finally, in response to a congressional inquiry, he received a letter from the Director of Personnel and Total Force Services with a contact number, which was not in service. He later received a letter from HQ USAF/REI informing him a TIG waiver was never initiated through his chain of command and that a TIG waiver is not initiated through vPC. However, the myPers instructions specifically states "Two-year TIG waivers should be requested by annotating the remarks section of the retirement application on vPC." There was limited information and a lack of guidance available to him. He submitted the TIG waiver as instructed. The TIG waiver was never initiated or executed.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force Reserve major (O-4) awaiting retired pay at age 60.

On 3 Sep 19, according to Reserve Order Work-Product dated 12 Sep 19, the applicant was promoted to the grade of O-5.

On 15 Jun 22, according to Reserve Order Work-Product dated 19 Aug 22, the applicant was placed on the United States Air Force Reserve Retired List in the grade of O-4.

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

APPLICABLE AUTHORITY/GUIDANCE

AFBCMR Docket Number BC-2023-00627

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Controlled by: SAF/MRB

CUI Categories: Work-Product

Limited Dissemination Control: N/A

POC: SAF.MRBC.Workflow@us.af.mil

AFI 36-3203, *Service Retirements*, paragraph 3.1, Retirement Eligibility. To voluntarily retire in a grade above O-4, a commissioned officer generally must have served satisfactorily in that higher grade with at least three years TIG; otherwise, the Air Force will authorize retirement in the next lower grade as directed by 10 U.S.C. § 1370, *Commissioned Officers: General Rule; Exceptions*, unless a waiver is granted under some provision of law.

Table 3.2. Retirement Restrictions and Waivable Conditions (Best Interest of the Air Force or Hardship Not Common To Other Air Force Members). If a member holds a commissioned grade higher than O-4 and has more than two but less than three years TIG creditable toward a Reserve retirement as of the requested voluntary retirement date, is in Air Reserve Component and requests transfer to the Retired Reserve, the approval authority is the Secretary of the Air Force or Secretarial designee, as authorized by the Secretary of Defense.

AIR FORCE EVALUATION

ARPC/DPTT (Transition Division) recommends denying the request. Based on a review of the applicant's military personnel records and analysis of the facts, there is no evidence of an error or injustice. In accordance with AFI 36-3203, paragraph 3.1.1.1.2, to voluntarily retire in a grade above O-4, a commissioned officer generally must have served satisfactorily in that higher grade with at least three years TIG. The applicant was promoted to O-5, effective 3 Sep 19. He applied for voluntary transfer to the United States Air Force Reserve Retired List, effective 15 Jun 22. On the effective date of transfer to the Retired Reserve, the applicant served 2 years, 9 months, and 13 days in the grade of O-5. The applicant did not serve three years of satisfactory service in the grade of O-5, nor was a Secretary of the Air Force approved TIG waiver provided prior to retirement.

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 14 Jun 23 for comment (Exhibit D) 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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of ARPC/DPTT and finds a preponderance of the evidence does not substantiate the applicant's contentions. While the applicant contends the processing procedures for TIG waivers were confusing, the governing guidance clearly states a TIG waiver is required for officers above the grade of O-4 who seek to retire in that grade but have less than three years TIG. The applicant submitted a voluntary request for retirement with an effective date prior to the date he would have attained the required three years TIG as an O-5, but failed to obtain and provide an approved TIG waiver to retire in that grade. 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 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-2023-00627 in Executive Session on 14 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/atchs, dated 28 Feb 23.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, ARPC/DPTT, w/atchs, dated 12 Jun 23.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 14 Jun 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.

3/18/2025

X

Work-Product

Board Operations Manager, AFBCMR

Signed by: Work-Product