

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00656

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His break in service following his separation from active duty and appointment to the Air Force Reserve be eliminated.

APPLICANT'S CONTENTIONS

Through no fault of his own, the applicant had a break in service when he transferred from active duty to the Air Force Reserve. The applicant was separated from active duty on 11 Oct 20. However, the Secretary of Defense (SecDef) did not approve the scroll until 27 Nov 20.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Reserve captain (O-3).

On 11 Oct 20, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant separated with three years, and ten (10) days of active service.

On 27 Nov 20, according to Reserve Order XX-XXXX, dated 1 Nov 21, the applicant was approved by the Secretary of Defense to transfer to the Air Force Reserve.

On 18 Dec 20, according to Reserve Order XX-XXXX, dated 17 Feb 21, the applicant was gained to the Air Force Reserve.

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

AIR FORCE EVALUATION

AFPC/DPAR, recommends granting the application. The applicant was separated on 11 Oct 20 and assigned to Scroll 2181, which was approved by the Secretary of Defense on 27 Nov 20. An appointment order was created on 17 Dec 20 that appointed the applicant to the Air Force Reserve on 27 Nov 20. According to the applicant's DD Form 214, the applicant had a Reserve Obligation until 1 Oct 25. Due to the obligation, the applicant should have been immediately appointed into the Reserve following their separation from Active Duty. As such, there is evidence of an error or injustice which warrants removing the break in service the applicant incurred when he transferred from Regular Air Force to the Air Force Reserve.

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 23 May 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 the victim of an error or injustice. The Board concurs with the rationale and recommendation of ARPC/DPAR and finds a preponderance of the evidence substantiates the applicant's contentions. Therefore, the Board recommends correcting the applicant's records as indicated below.
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 pertinent military records of the Department of the Air Force relating to the APPLICANT be corrected to show that he was not released from active duty effective 11 October 2020 but on that date, he was continued on active duty until 26 November 2020, on which date he tendered his resignation, was discharged from all Regular Air Force appointments, and was released from active duty.

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-2023-00656 in Executive Session on 15 Aug 23:

- , Panel Chair
- , Panel Member
- , Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 27 May 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, ARPC/DPAR, dated 17 May 23.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 23 May 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