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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00829

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT’S REQUEST

His official military records be corrected to reflect Reserve Retired status.

APPLICANT’S CONTENTIONS

Prior to his separation, he was unable to complete the necessary retirement courses due to COVID-19 restrictions. He wants to obtain retirement identification cards for his dependents, so they can access military installations.

The applicant’s complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air National Guard (ANG) staff sergeant (E-5).

On 1 Jun 20, NGB Form 22, *National Guard Bureau Report of Separation and Record of Service*, reflects the applicant was honorably discharged from the ANG after serving 20 years, 9 months, and 1 day of total service for pay. He was discharged with a narrative reason for separation of “Expiration of Enlistment.”

On 29 Nov 21, after his discharge, ARPC/DPTT sent the applicant the standard Notification of Eligibility for retired pay (20-year letter) informing him that he has completed the required years under the provisions of Title 10 U.S.C. Section 12731 and is entitled to retired pay upon application, normally at age 60.

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 Instruction 36-3203, *Service Retirements*, dated 18 Sep 15, paragraph 8.3, *Former Members*. A former member is an individual who qualified for retirement but elected not to transfer to the Retired Reserve and was subsequently discharged for physical disqualification.

misconduct, upon expiration of their contract, or resigned their commission. These members have no military status but are authorized certain entitlements and benefits according to AFI 36-3026, *Common Access Card (CAC)*.

AIR FORCE EVALUATION

ARPC/DPTT recommends denying the application. Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice. There was no attempt from the applicant to apply for a Reserve retirement upon being discharged. The applicant did not submit an application to transfer to the Reserve retired list prior to his discharge and was separated on 1 Jun 20, becoming a former member, in accordance with AFI 36-2803 (sic), *Service Retirements*, paragraph 9.6.1. The applicant is eligible for a former member identification card at this time and is still eligible to apply for Reserve retired pay at age 60, or earlier if approved.

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 15 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 the victim of an error or injustice. While the Board notes the recommendation of ARPC/DPTT against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions. The Board finds, if the applicant had known the proper procedures for the retirement application process, he would have adhered to them since he served sufficient time to be eligible for a Reserve retirement. To deny relief in this circumstance would be to place form over substance, to the detriment of the applicant. Therefore, the Board recommends correcting the record as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show he was not discharged from the Air National Guard on 1 June 2020, but on that date, he was assigned to the Retired Reserve Section, and his name was placed on the Retired Reserve List.

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-2023-00829 in Executive Session on 9 Jan 24:

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Panel Chair

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Panel Member

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Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 16 Mar 23.

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

Exhibit C: Advisory opinion, AFPC/DPTT w/atchs, dated 30 May 23.

Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 15 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.

3/7/2024

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Board Operations Manager, AFBCMR

Signed by:

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AFBCMR Docket Number BC-2023-00829

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