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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-01202

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COUNSEL: NONE

HEARING REQUESTED: YES

### APPLICANT'S REQUEST

His official military personnel record be amended to authorize the start of his retirement pay.

### APPLICANT'S CONTENTIONS

His service-connected disability is at zero percent. He would like to start receiving his retirement pay because he was placed on the Temporary Disability Retired List (TDRL). He should have started receiving retirement pay once his service-connected disability ended. He was not told about his retirement when he transferred to the Veterans Administration hospital in Cincinnati, Ohio.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is an honorably discharged Air Force airman first class (E-3).

On 20 Mar 73, according to the applicant's DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, he was furnished an honorable discharge with Reason and Authority: Placed on the TDRL.

On 21 Mar 73, according to AFMPC Form 134, *Retirement Order*, Special Order Number Work...  
Work-P..., dated 6 Mar 73, the applicant was placed on the TDRL.

On 10 Mar 76, according to an AFMPC/DPMARA letter to the applicant, Subject: *Removal from the Temporary Disability Retired List and Discharge with Severance Pay*, the applicant was notified of his removal from the TDRL and discharge with entitlement to disability severance pay, and the Air Force Accounting and Finance Center's termination of his retired pay.

On 30 Mar 76, according to AFMPC Form 154, *Retirement Order*, Special Order Number Work...  
Work-P..., dated 12 Mar 76, the applicant was discharged by reason of physical disability with entitlement to disability severance pay.

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

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## AIR FORCE EVALUATION

AFPC/DPFDC recommends denying the application. Based on the documentation provided by the applicant and analysis of the facts, there is no evidence an error or injustice occurred during the processing of his medical case.

The applicant was placed on the TDRL, effective 21 Mar 73, after an Informal Physical Evaluation Board evaluation. He was retained on the TDRL, effective 24 Sep 74, and finally removed from the TDRL to Discharge with Severance Pay (DWSP), effective 30 Mar 76.

The applicant would have received retirement pay when placed on the TDRL, effective 21 Mar 73, and retirement pay would have stopped once removed from TDRL to DWSP, effective 30 Mar 76.

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 Mar 24 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 AFPC/DPFDC and finds a preponderance of the evidence does not substantiate the applicant's contentions. On 30 Mar 76, the applicant was removed from the TDRL and discharged from the Air Force. Prior to this date, on 10 Mar 76, the applicant was notified of his removal from the TDRL and eligibility for DWSP, as well as the termination of his retirement pay. 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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2023-01202 in Executive Session on 11 Jun 24:

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Panel Chair

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Panel Member

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Panel Member

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All members voted against correcting the record. The panel considered the following:

Exhibit A: Application, DD Form 149, w/atchs, dated 17 Mar 23.

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

Exhibit C: Advisory Opinion, AFPC/DPFDC, dated 22 Feb 24.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 14 Mar 24.

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.

7/2/2024

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