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

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RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-01215

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COUNSEL: Work-Product

HEARING REQUESTED: Work...

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APPLICANT'S REQUEST

Recomputation of retired pay upon 62 years of age associated with the Temporary Early Retirement Authority (TERA) program.

APPLICANT'S CONTENTIONS

He earned additional credit for public and community service (PACS). When he initially began his public service, he was informed by his Human Resources Office that they were required to report PACS and that he could not report the information to the Defense Finance and Accounting Service. He does not remember receiving notice that he had limited time to report his service, nor was he aware that his service may not have been reported until his retirement from Federal Civilian Service, which is when he discovered there were no records pertaining to PACS.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force staff sergeant (E-5).

On 19 Sep 94, the applicant signed his Pre-separation Counseling Checklist indicating he requested pre-separation counseling on PACS and understood that it was his responsibility to develop an Individual Transition Plan (ITP) based on his specific objectives. He was also advised of where to obtain assistance in developing an ITP.

On 30 Jun 95, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant separated from active duty for the purpose of retirement. Item 18, *Remark*, states "*Member is retiring as provided by Section 4403 of the FY93 National Defense Authorization Act (PL 102-484) and may qualify for a recomputation of retired pay at age 62 pursuant to Section 4464 of the same law.*" He was credited with 15 years, 1 month, and 26 days of active service.

On 1 Jul 95, according to Special Order Work-Product, dated 24 Sep 94, the applicant retired from the Regular Air Force.

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

AIR FORCE EVALUATION

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AFPC/DPMSSR (Military Retirements) recommends denying the application. Congress enacted the TERA program, pursuant to the Fiscal Year 1993 National Defense Authorization Act (FY93 NDAA), which permitted selected military members to retire early with more than 15 but less than 20 years of active military service. Section 4464 of the FY93 NDAA allowed eligible members retired under TERA to perform PACS following retirement and receive credit for this service to be used to recompute military retired pay, and where applicable, the Survivor Benefit Plan base amount when the retired member attains or would have attained 62 years of age. PACS job vacancies included education, conservation, environmental protection, law enforcement, and public health care positions.

Program management was established and announced to the Services through the Assistant Secretary of Defense (ASD) Memorandum, *Active Duty Early Retirement Policy Guidance*, dated 12 Mar 93, and the ASD Memorandum, *Implementing Procedures for TERA Programs*, dated 22 Apr 93. The Air Force also provided specific instructions to the field through a Military Personnel Flight Letter (MPFL) 93-024, *Voluntary Early Retirement Program*, dated 9 Apr 93. The Department of Defense (DOD) also provided specific information on obtaining public and community service credit through the DoD Instruction 1340.19, *Certification of Public and Community Service Employment of Military Retirees*, dated 17 Nov 93.

The NDAA required members retiring under TERA to register in advance of the projected retirement date on the PACS Registry maintained under Title 10, United States Code, Section 1143a. Members were required to turn in proof of PACS to the Defense Manpower Data Center (DMDC) team no later than one year after they would have attained 20 years Total Active Federal Military Service had they been continuously on active duty. This date is referred to as the individual's Enhanced Retirement Qualification Period (ERQP). The applicant retired effective 1 Jul 95 under TERA, with 15 years, 1 month, and 26 days of active service; therefore, any creditable service must have been completed prior to 5 May 00 (the end of his ERQP). Based on the reporting instructions established by DMDC, the applicant was required to submit a record of the creditable service within a year of that point (5 May 01). The DMDC does not have any record that the applicant applied for PACS. Had the applicant properly registered within the allotted period and provided the required documentation, he would have been eligible to receive credit for the time served under the PACS program. The law allows no provision to retroactively register for employment in public or community service organizations.

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 30 Aug 23 for comment (Exhibit D), and the applicant replied on 11 Sep 23. In his response, the applicant contends the advisory memorandum appears to recommend denial of credit for PACS due to two main assumptions: it suggests he did not register on the PACS Registry as required by law for approval of retirement under TERA; and that he did not provide proof of PACS within the established time.

Military members were required to register for approval of early retirement, and it is unlikely the Air Force failed to follow the law. His paperwork may have been misplaced, especially considering the lack of electronic records at the time. He was on temporary duty assignment to Saudi Arabia when he was approved for TERA. He returned to his duty station for a relatively short period, then permanently relocated to Texas for retirement processing. It is possible his paperwork was lost during transitions and rotations of personnel along with the fact that paperwork was manually forwarded to various personnel offices.

He was informed by personnel officers they were responsible for reporting and verifying employment. He believed that verification of his service required actions from relevant personnel officers, and he received similar guidance from officers in other organizations like the US Postal Service and US Department of Labor. He had faith in the Air Force's operations following the law and believes any lack of proof or errors in documentation over the past 28 years could be attributed to misplaced documents or administrative errors. The applicant's complete response is at Exhibit E.

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/DPMSSR and finds a preponderance of the evidence does not substantiate the applicant's contentions. There is no evidence the applicant was not counseled on the conditions and requirements of the TERA and PACS programs. In addition, the applicant provided no evidence he registered for PACS prior to retirement or that he provided the required proof of service to DMDC within the established timeframe. Therefore, the Board recommends against correcting the applicant's records.

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-2023-01215 in Executive Session on 28 Mar 24:

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 24 Aug 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSSR, dated 24 Aug 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 30 Aug 23.
- Exhibit E: Applicant's Response, 11 Sep 23.

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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.

8/19/2025

X

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Board Operations Manager, AFBCMR
Signed by: USAF

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