



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-01428

Work-Product

COUNSEL: NAME

HEARING REQUESTED: YES

APPLICANT'S REQUEST

1. His record be corrected to show 56 total retirement points for February 1993 through February 1994. **(will be partially administratively corrected)**
2. His record be corrected to show 50 total retirement points for February 1994 through February 1995. **(will be administratively corrected)**

APPLICANT'S CONTENTIONS

Upon transfer to the U.S. Air Force Reserve from the Army National Guard in 2004, the Retirement/Retention (R/R) point total for prior service years in the Army Reserve was not annotated and updated correctly. Specifically, 16 retirement points earned for 16 days of active duty for training (ADT) during an annual training period in June of 1993 and an additional 15 retirement points earned including days of ADT during an annual training period in the summer of 1994.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an honorably discharged Air Force Reserve staff sergeant (E-5).

On 15 December 2004, NGB Form 22, *National Guard Bureau Report of Separation and Record of Service*, indicates the applicant was honorably discharged from the Army National Guard.

On 16 December 2004, DD Form 4, *Enlistment/Reenlistment Document Armed Forces of the United States*, indicates the applicant enlisted in the Air Force Reserve for three years.

On 29 May 2016, Reserve Order **Work-Pro...**, dated 4 May 2016, indicates the applicant was honorably discharged from the Air Force Reserve.

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

ARPC/DPTSP recommends partially granting the application. The applicant was missing Inactive Duty Training (IDT) points, which he earned while in the Army, for anniversary years 1993-1994. The applicant's record will be corrected to show 25 IDT points for his 1993-1994 anniversary year and 35 IDT points for 1994-1995. As a result, he will be awarded an additional satisfactory year for 1994-1995.

Also, ARPC/DPTSP reviewed the Memorandum for Record (MFR) from the Department of the Army stating that the applicant was scheduled for Annual Training starting 7 August 1993 through 22 August 1993; however, the MFR states that "these dates are tentative and subject to change based on the needs of the Army." This is not proof that the applicant performed this duty, only an intent that the duty may be performed. Per Air Force Manual (AFMAN) 36-2136, *Reserve Personnel Participation*, Chapter 2, 2.2, "...Points may only be credited to the date a Reservist actually performed the duty." Regarding the request for the additional 16 active duty points for anniversary year 1993-1994, the applicant did not meet the requirements in AFMAN 36-2136 to be awarded any additional active duty points other than what is currently reflected in his record and therefore cannot be awarded that portion of his request. If the applicant can provide pay history from the Defense Finance and Accounting Service (DFAS) or certified orders from the Department of the Army for this timeframe, the request can be administratively corrected.

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 9 August 2023 for comment (Exhibit D) but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed. The Board notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence. The Board does not find it in the interest of justice to waive the three-year filing requirement and finds the application untimely.
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/DPTSP regarding the administrative corrections; however, finds a preponderance of the evidence does not substantiate the applicant's contentions regarding the remaining 16 active duty points for anniversary year 1993-1994. The documentation provided by the applicant, for the period 7 August 1993 – 22 August 1993, was not sufficient evidence of duty performance to meet the requirements outlined in AFMAN 36-2136. Therefore, except for the aforementioned administrative corrections, 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 application was not timely filed; it would not be in the interest of justice to excuse the delay; 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-2023-01428 in Executive Session on 6 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 26 Apr 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, ARPC/DPTSP, w/atchs, dated 11 Jul 23.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 9 Aug 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.

2/3/2025

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