



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-01683

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be corrected to reflect the time he spent on the Temporary Disability Retired List (TDRL) and to reflect he was fully retired.

APPLICANT'S CONTENTIONS

While he was on the TDRL for five years, he attended college to relearn basic education due to his head injury.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a medically retired Air Force technical sergeant (E-6).

Dated 11 Aug 81, Special Order Number **Work-Product** indicates the applicant was placed on the TDRL in the grade of technical sergeant (E-6) with a compensable percentage for physical disability of 70 percent, effective 1 Sep 81.

On 31 Aug 81, DD Form 214 reflects the applicant was honorably discharged in the grade of technical sergeant (E-6) after serving 18 years, 11 months, and 21 days of active duty. He was discharged, with a narrative reason for separation of "Placed on Temporary Disability Retired List."

Dated 5 Apr 85, Special Order Number **Work-Product** indicates the applicant was removed from the TDRL and permanently retired with a compensable percentage for physical disability of 100 percent, effective 25 Apr 85.

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

AFBCMR Docket Number BC-2023-01683

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Controlled by: SAF/MRB
CUI Categories: **Work-Product**
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

APPLICABLE AUTHORITY/GUIDANCE

Per AFR 35-6, *Separation Documents*, dated 12 Oct 82, paragraph 3, the DD Form 214 meets the legal requirements for issuing a certificate and provides separating members with a brief, clear record of their active military service at the time of transfer, release, or discharge. Per Table 1, *Issuing DD Form 214*, Rule 17, if a member is being separated because of removal from TDRL, a DD Form 214 is not issued.

AIR FORCE EVALUATION

AFPC/DPMSSR recommends denying the application finding no evidence of an error or injustice with the DD Form 214 preparation. A DD Form 214 is not furnished for members being removed from the TDRL regardless of status at the time of separation. The applicant should have been provided documentation from the Disabilities office with an explanation stating this documentation was to be kept with the original DD Form 214 since a new DD Form 214 would not be provided. Those documents combined with the original DD Form 214 are to be provided to any respective agencies that require pertinent information related to the applicant's current status to include agencies like the Department of Veterans Affairs (DVA). If the applicant no longer has those documents, he needs to contact the Disabilities office to obtain a copy of them.

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 1 Feb 24 for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was not 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. Specifically, the Board finds no error with the applicant's current DD Form 214 as this document correctly annotates his time spent on active duty. The DD Form 214 is prepared and used to record qualifying active-duty service. A new DD Form 214 or correction for service credit is not authorized for members being removed from the TDRL. His special order which removed him from the TDRL reflects the time period in question. Therefore, the Board recommends against correcting the applicant's record. The Board also 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 Air Force Instruction 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. The Board does not find it in the interest of justice to waive the three-year filing requirement and finds the application untimely.

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 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-2023-01683 in Executive Session on 17 Apr 24:

Work-Product Panel Chair
s, Panel Member
s, Panel Member

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

- Exhibit A: Application, DD Form 149, w/atch, dated 10 May 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSSR, dated 30 Jan 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 1 Feb 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.

5/10/2024

Work-Product

Board Operations Manager, AFBCMR
Signed by: USAF