

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-01703

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: Work-P...

APPLICANT'S REQUEST

Administrative recognition of a retirement rank/title for lieutenant colonel (O-5) instead of major (O-4) or an honorary acknowledgment that would allow him to wear the rank of lieutenant colonel (O-5).

APPLICANT'S CONTENTIONS

Despite his honorable service, dedication, and love for his country, he chose to retire rather than face certain threats and now seeks recognition for his service. He is willing to undergo any measures necessary to secure approval. Despite sending certified mail to the President, which he believes was likely never seen, he believes the issue could have been resolved had it been seen.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force major (O-4).

On 1 December 1967, the applicant entered the Army and was honorably discharged on 1 December 1968. He was credited with 11 months and 21 days of active service.

On 2 December 1968, the applicant entered the Army Reserve and was honorably discharged on 1 July 1971. He was credited with 3 years 5 months and 21 days of active service.

On 23 January 1974, the applicant entered the Air Force and was honorably discharged on 23 April 1974. He was credited with 3 years, 8 months, and 22 days of active service.

According to Officer Selection Brief, dated 2 January 1990, the applicant was considered for promotion to lieutenant colonel (O-5) under the P0590A Selection Board.

On 4 April 1990, according to AF Form 1160, *Military Retirement Actions*, the applicant applied for voluntary retirement with an effective date of 1 September 1990. He requested 82 days of terminal leave.

According to DD Form 214, *Certificate of Release or Discharge from Active Duty*, The applicant entered active duty on 24 April 1974 and had continuous honorable service until his retirement on 1 September 1990. He was promoted to the rank of major (O-4) with an effective date of 1 September 1985. He was credited with 16 years, 4 months, and 7 days of active service.

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

APPLICABLE AUTHORITY/GUIDANCE

Department of the Air Force Instruction (DAFI) 36-2501, *Officer Promotions and Selective Continuation*, paragraph 3.15. Retirement Restrictions for Promotion. Officers promoted to the grade of major (O-4), lieutenant colonel (O-5), or colonel (O-6), must serve satisfactorily in that grade for at least three years to retire in the higher grade.

10 U.S.C. § 1370: In order for an officer to be eligible for retirement in any grade above major (O-4), the officer must have served for at least 3 years in that grade. This requirement may be reduced to no less than 2 years as authorized by the Secretary of Defense. The President may waive the Time in Grade (TIG) requirement in individual cases involving extreme hardship or exceptional or unusual circumstances. The authority of the President under the preceding sentence may not be delegated.

10 U.S.C. § 1563a: Honorary Promotions on the Initiative of the Department of Defense. (a) In General.-(1) Under regulations prescribed by the Secretary of Defense, the Secretary may make an honorary promotion (whether or not posthumous) of a former member or retired member of the armed forces to any grade not exceeding the grade of major general or rear admiral (upper half) if the Secretary determines that the promotion is merited. (2) The authority to make an honorary promotion under this subsection shall apply notwithstanding that the promotion is not otherwise authorized by law. (b) Notice to Congress.-The Secretary may not make an honorary promotion pursuant to subsection (a) until 60 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a notice of the determination to make the promotion, including a detailed discussion of the rationale supporting the determination. (c) Notice of Promotion.-Upon making an honorary promotion pursuant to subsection (a), the Secretary shall expeditiously notify the former member or retired member concerned, or the next of kin of such former member or retired member if such former member or retired member is deceased, of the promotion. (d) Nature of Promotion.-Any promotion pursuant to this section is honorary, and shall not affect the pay, retired pay, or other benefits from the United States to which the former member or retired member concerned is entitled or would have been entitled based on the military service of such former member or retired member, nor affect any benefits to which any other person is or may become entitled based on the military service of such former member or retired member.

AIR FORCE EVALUATION

AFPC/DPMSPP (Officer Promotions Management) 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. The applicant was selected for promotion to lieutenant colonel on 8 March 1990, with a line number of 0415. He voluntarily signed for retirement on 4 April 1990, effective 1 September 1990. According to DAFI 36-2501, officers promoted to lieutenant colonel (O-5) or colonel (O-6) must serve on active duty in that grade for at least three years to retire at the higher grade. The applicant's DD Form 214 indicates that he retired as a major on 1 September 1990.

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 20 March 2024 for comment (Exhibit D), and the applicant replied on 21 March 2024. In his response, the applicant contended that 10 U.S.C. § 1370 (b) (3) allows for waiving the 3-year TIG requirement in cases of extreme hardship or exceptional circumstances, which he believes applies to his situation. He outlines his extensive military service, including prior Army and Air Force roles, and highlights the significant changes in TIG rules over time. He contends that his personal and family hardships, as well as the professional challenges he faced, justify an exception to the TIG rule. The applicant emphasizes his commitment to honor and integrity, requesting administrative recognition of his lieutenant colonel (O-5) rank without seeking financial compensation. He appeals to the Board to reconsider his case comprehensively and fairly, stressing the importance of honoring his service and the hardships he endured.

The applicant's complete response is at Exhibit E.

FINDINGS AND CONCLUSION

1. The application was not timely filed. 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 Department of the 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.
2. The applicant exhausted all other available administrative remedies 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/DPMSPP and finds a preponderance of the evidence does not substantiate the applicant's contentions. The applicant was selected for promotion to O-5; however, he retired before meeting the 3-year time in grade requirement. The Board finds no evidence of an injustice or error in the applicant's discharge to warrant granting relief. 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-2023-01703 in Executive Session on 29 August 2024:

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

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

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- Exhibit A: Application, DD Form 149, w/atchs, dated 19 May 2023.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSPP, dated 5 March 2024.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 20 March 2024.
- Exhibit E: Applicant's Response, dated 21 March 2024.

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.

9/27/2025

X

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Associate Director, AFBCMR

Signed by: USAF

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