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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-01730

Work-Product
(DECEASED SERVICE MEMBER)

COUNSEL: NONE

Work-Product (APPLICANT)

HEARING REQUESTED: NO

APPLICANT’S REQUEST

The deceased service member’s record be corrected to reflect he was promoted to the grade of major (O-4) effective 1 Apr 86 and he be entitled to retired back pay through his death on 12 Mar 23.

APPLICANT’S CONTENTIONS

Her deceased father was denied pay and allowances for the grade of O-4. His promotion order to the grade of O-4 was not provided to the Defense Finance and Accounting Service (DFAS) and correspondence with DFAS reflects his grade as O-3. His promotion order was discovered posthumously while settling his personal affairs and warrants a correction to his retired pay grade.

The applicant’s complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is the daughter of a deceased retired Air Force master sergeant (E-7).

On 27 Dec 63, the service member enlisted as an Officer Trainee Student.

On 31 Mar 64, the service member was appointed to the grade of second lieutenant (O-1) in the Air Force Reserve (USAFR).

On 31 Mar 67, the service member was promoted to the grade of first lieutenant (O-2).

On 15 Apr 68, the service member requested his Career Reserve Status be canceled immediately and he be released from extended active-duty effective 30 Jun 69 for reason that he did not desire to make the Air Force a career as an USAFR officer. On the same date, his commander recommended disapproval in the best interest of the Air Force due to his key position as a combat crew navigator and on 3 May 68, the approval authority approved the request with a date of separation of 30 Jun 69.

On 31 Mar 69, according to Special Order *Work-Prod...* the service member was promoted to the grade of captain (O-3).

AFBCMR Docket Number BC-2023-01730

Work-Product

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Work-Product

On 30 Jun 69, according to DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, the service member was released from extended active duty for reason of Cancellation of Career Reserve Status.

On 19 Jan 70, the deceased service member submitted an AF Form 125, *Application for Extended Active Duty*.

On 15 May 71, according to Extended Active-Duty Order **Work-Product** dated 4 May 71, the deceased service member was voluntarily ordered to active duty in the grade of O-3.

On 5 May 77, according to a memo from the Chief of the Career Progression Section, USAFR, provided by the applicant, the deceased service member was selected for promotion to the grade of O-4, effective 31 Mar 78. The deceased service member was not to be notified of his selection until the public release date of 10 May 77.

On 1 Jun 77, according to DD Form 214, *Report of Separation from Active Duty*, the deceased service member was released from active duty with an honorable character of service in the grade of O-3.

On 29 Jul 77, according to AFPC/DPMSSR, the deceased service member enlisted in the Regular Air Force (REGAF) in the grade of staff sergeant (E-5).

On 2 Apr 85, according to AF Form 1160, *Military Retirement Actions*, the deceased service member requested voluntary retirement. His grade in block 3 reflects "MSGT", his highest active duty grade in block 6 reflects "CAPT" and his current Reserve grade in block 8 reflects "CAPT."

On 1 Apr 86, according to Special Order **Work-Product** the deceased service member retired in the grade of E-7 and highest grade held of O-3.

On 12 Mar 23, according to a Death Certificate provided by the applicant, the deceased service member died.

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

AIR FORCE EVALUATIONS

AFPC/DPMSSR (Retirements and Separations) recommends denying the application. On 18 Mar 64, the deceased service member was appointed a second lieutenant (O-1) in the Reserve of the Air Force. On 31 Mar 67, the deceased service member was promoted to the grade of first lieutenant (O-2). He separated 1 Jun 77 and had a pending promotion to the grade of O-4, which he never pinned on. The applicant provided a Reserve of the Air Force promotion letter that indicated the effective date of the deceased service member's promotion to O-4 would have been effective 31 Mar 78. The deceased service member enlisted back on active duty on 29 Jul 77 in the grade of staff sergeant (E-5) and went on to retire in the grade of E-7 with highest grade held of O-3.

The complete advisory opinion is at Exhibit C.

ARPC/DPTT (Retirements) recommends denying the application. The deceased service member resigned his commission and enlisted with the United States Air Force prior to the effective date of promotion to the grade of O-4. In accordance with AFI 36-3203, *Service Retirements*, paragraph 8.2.1., (Atch 5), “The officer must serve on AD [active duty] in the grade for not less than six months for an AD retirement, or at least six months as a reserve commissioned officer in an active status, or in a retired status on AD for not less than six months for a reserve retirement under 10 U.S.C. § 12731.” The deceased service member was never officially promoted and did not serve the required time for the grade of major and is not entitled to be promoted to, or retired in, that rank [sic]. Since the deceased service member was separated from the USAFR prior to ever actively holding or serving in the grade of O-4, he is ineligible for promotion to the higher rank [sic] for the purpose of service or of retirement. Once separated, the deceased service member enlisted in the REGAF at the grade of E-5. Upon completion of 20 years, 2 months, and 23 days of active service, he retired at the grade of E-7 with a highest grade held of O-3.

The complete advisory opinion is at Exhibit D.

APPLICANT’S REVIEW OF AIR FORCE EVALUATIONS

The Board sent copies of the advisory opinions to the applicant on 11 Mar 25 for comment (Exhibit E), but has received no response.

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)*. 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.
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 ARPC/DPTT and finds a preponderance of the evidence does not substantiate the applicant’s contentions. Therefore, the Board recommends against correcting the applicant’s records.

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-2023-01730 in Executive Session on 8 Apr 25 and 12 Apr 25:

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Panel Chair

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, Panel Member

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, Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 20 Apr 23.

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

Exhibit C: Advisory Opinion, AFPC/DPMSSR, dated 10 Feb 25

Exhibit D: Advisory Opinion, ARPC/DPTT, w/atchs, dated 4 Mar 25.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 11 Mar 25.

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.



Expired certificate

X

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Board Operations Manager, AFBCMR

Signed by:

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AFBCMR Docket Number BC-2023-01730

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