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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-01861

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

He be credited with one-year of satisfactory service for his Retention/Retirement (R/R) year 8 Apr 17 to 7 Apr 17 in the Air Force Reserve.

APPLICANT'S CONTENTIONS

When he transitioned from active duty to the Reserve it resulted in a break in service, which also changed his R/R anniversary date from 8 Apr to 9 Jan. He petitioned the Board (Docket Number BC-2015-01792) to eliminate the break in service from his record and the Board granted his request and further directed that his pertinent military records be corrected. As a result, a DD Form 215, *Correction to DD Form 214, Certificate of Release or Discharge from Active Duty*, was issued that corrected his separation date, however, the R/R anniversary date failed to be changed to reflect no break in service and remained 9 Jan. He has since completed 9 years of satisfactory service with the 9 Jan R/R anniversary date, however, in May 23, ARPC finally changed the R/R anniversary date back to reflect 8 Apr and as a result points shifted which impacted his 2016 -2017 R/R year and resulted in an unsatisfactory year towards retirement.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force Reserve lieutenant colonel (O-5).

On 31 Dec 14, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, dated 31 Dec 14, the applicant was honorably discharged from active duty.

On 9 Jan 15, according to Reserve Order *Work-Product* Appointment Order, dated 19 Mar 15, the applicant was appointed as a Reserve of the Air Force in the grade of captain (O-3).

On 10 Dec 15, according to AFBCMR Docket Number *Work-Product* the Board granted the applicant's request to eliminate the break in service and directed that his record be corrected to reflect that he did not separate from the Regular Air Force on 31 Dec 14, but continued to serve on active duty until 8 Jan 15, when he was honorably discharged and appointed in the Air Force Reserve, effective 9 Jan 15.

On 28 Jun 16, he was issued a DD Form 215, which corrected his DD Form 214, dated 31 Dec 14, as follows: Item 12b, *Separation Date this Period*, was corrected to reflect "2015 Jan 08"; and Item 12c, *Net Active Service this Period*, was corrected to read "04 07 15."

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According to the Point Credit Accounting Record System (PCARS) report, he was credited with the with the following Active Duty (AD), Inactive Duty for Training (IDT), Equivalent Credit Instruction (ECI), membership (MBR), and retirement points from 2016 to 2023:

R/R Year	AD	IDT	ECI	MBR	Retirement	Satisfactory Service (Year)
8 Apr 15 – 7 Apr 16	25	40	0	15	80	010000
*8 Apr 17 – 7 Apr 17	2	28	2	15	47	000000
8 Apr 17 – 7 Apr 18	17	26	74	15	132	010000
8 Apr 18 – 7 Apr 19	26	37	7	15	85	010000
8 Apr 19 – 7 Apr 20	42	48	0	15	105	010000
8 Apr 20 – 7 Apr 21	6	46	0	15	67	010000
8 Apr 21 – 7 Apr 22	25	52	0	15	92	010000
8 Apr 22 – 7 Apr 23	14	47	0	15	76	010000

***Unsatisfactory Years**

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 Defense Instruction (DoDI) 1215.07, *Service Credit for Non-Regular Retirement*, Section 3.1, *Criteria for Establishing the Service Requirement for a Satisfactory Year of Service for Non-Regular Retirement*, "The start date month and day for each successive anniversary year will not change unless the Service member has a break in service. A member who transitions directly (next day) from the Active Component (AC) to the Reserve Component (RC) is not considered to have had a break in service; accordingly, that member's anniversary date will not change."

AIR FORCE EVALUATION

ARPC/DPTSP recommends denying the request as, in accordance with DoDI 1217.07, there is no evidence of an error or injustice; however, due to his record not being properly corrected, an injustice did occur due to no fault of the applicant. In his previous case, **Work-Product** the Board directed his record be corrected to reflect that he was continued to serve on active duty until 8 Jan 15, when he was honorably discharged and appointed in the reserves effective 9 Jan 15, thus removing the break in service. However, the applicant was participating based on the R/R record, that reflected an anniversary date of 9 Jan, for eight (8) years before ARPC Points Management, on 23 May 23, corrected his record and removed the break in service which caused his points to shift from aligning with 9 Jan to 8 Apr, which then caused him to receive an unsatisfactory year for retirement for his R/R year 2016-2017.

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 21 Aug 23 for comment (Exhibit D), and the applicant replied on 30 Aug 23. In his response, the applicant contended that he understands that, in accordance with DoDI 1215.07, his R/R anniversary date cannot revert back to reflect 9 Jan. As such, he respectfully requests that as "an injustice did occur, due to no fault of <applicant>," three (3) points be transferred from his 2015 - 2016 R/R year to his 2016 - 2017 R/R year so that the injustice of losing a satisfactory year towards retirement will be rectified.

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 the victim of an error or injustice. While the Board notes the recommendation of ARPC/DPTSP against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions. In this regard, the Board finds that the failure to update the applicant's R/R anniversary date in a timely manner resulted in an injustice and in order to make the applicant whole, three (3) points should be moved from his R/R year 2015-2016 to his R/R year 2016-2017, thereby making that R/R a satisfactory year. Therefore, the Board recommends correcting the applicant's records as indicated below.
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 pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show he was credited with a total of 77 retirement points for Retention/Retirement Year ending 7 Apr 16 and a total of 50 retirement points for Retention/Retirement Year ending 7 Apr 17; providing the applicant an additional one (1) year of satisfactory service.

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-2023-01861 in Executive Session on 3 Oct 23:

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Panel Chair

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Panel Member

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Panel Member

All members voted to correct the record. The panel considered the following:

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- Exhibit A: Application, DD Form 149, dated 30 May 23.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory opinion, ARPC/DPTSP, w/atchs, dated 15 Aug 23.
Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 21 Aug 23.
Exhibit E: Applicant's Response, received 30 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.

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Board Operations Manager, AFBCMR

Signed by

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