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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-02012

Attorney-Client

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

He be given a Reserve retirement.

APPLICANT'S CONTENTIONS

He served on active duty in the Army from 1953 to 1955 and served in the Air Force Reserve (AFR) from 1973 to 1993. He was transferred from the active Reserve to the non-participating Individual Ready Reserve (IRR) without his knowledge and is now trying to retire. His supervising officer was racist and wrote an unwarranted derogatory performance evaluation and orchestrated his transfer to the IRR. He was never afforded an opportunity to opt into a participating unit to continue his service and fulfill his oath of office.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former AFR major (O-4).

According to officer effectiveness reports (OER) rendered from 6 February 1974 through 28 February 1979, comments indicate the applicant was an outstanding performer.

On 21 March 1979, the applicant signed DD Form 1644, *Ready Reserve Service Agreement*, and agreed to be a member of the Ready Reserve until 20 March 1985.

On 25 February 1981, according to AF Form 707, *Officer Effectiveness Report*, for reporting period 1 March 80 through 30 January 1981, the applicant received a referral report with ratings indicating his performance was below standard in several areas. In addition, the rater's comments state the applicant received a letter of reprimand (LOR) for altering official documents without approval. On 16 March 1981, the applicant acknowledged receipt and requested a 30-day extension to properly prepare a response and submit pertinent documents on his behalf.

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On 16 April 1981, the applicant provided a written response claiming the evaluation was biased, unsubstantiated, and in no way reflected his efforts and accomplishments. He submitted several letters attesting to his performance and character.

On 3 May 1981, the additional rater upgraded his ratings to meets standards in all but one performance area, *Judgement and Decisions*, stating as a result of the evidence presented in the applicant's rebuttal and from personal observation, the applicant performed his assigned duties in an acceptable manner. However, the additional rater agreed with the comments from the reporting official which caused the OER to be referred.

According to AF Forms 707, for reporting period 31 January 1981 through 31 October 1982, the applicant received ratings indicating he exceeded standards above and well above in most or all performance factors.

On 14 September 1983, according to AF Form 707, for reporting period 1 November 1982 through 14 September 1983, the applicant received ratings below standard in several areas with comments indicating his performance deteriorated greatly, and that he was counseled several times. In addition, an inspection team identified his lack of leadership as a major discrepancy, finding he failed to provide required supervision, guidance, training, and assistance to other assigned chaplains and that authority was not adequately delegated to other chapel personnel.

On 26 October 1983, the applicant submitted a response claiming he was prevented from participating in Reserve training which affected his leadership and that his evaluation was unjust and unfairly prejudicial to his career.

The indorser's comments note the deficiencies identified by the inspection team indicate the applicant failed to fulfill his responsibilities as a leader. Because of these deficiencies the program has been degraded to an unacceptable level.

According to the point credit summary, dated 5 April 1986, the applicant accumulated 10 years, 10 months, and 3 days of satisfactory service.

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

APPLICABLE AUTHORITY/GUIDANCE

Members of the Reserve and Air National Guard attain eligibility for retired pay under Title 10 U.S.C. Section 12731, normally at age 60, after completion of at least 20 years of satisfactory service.

DoDI 1215.07, *Service Credit for Reserve Retirement*, Section 3, paragraph 3.1.a. Pursuant to Chapter 1223 of Title 10, U.S.C., a qualifying year of creditable service toward a non-regular retirement is a full-year, as described in paragraphs 3.1.b. and 3.1.c., *Establishing and Adjusting*

Anniversary Years, during which a member of an active or Reserve component is credited with at least 50 retirement points. Accumulating 20 such years, except as otherwise provided by law, is one requirement necessary to qualify for non-regular retired pay.

AIR FORCE EVALUATION

ARPC/DPTT (Transition Division) recommends denying the application. A review of the applicant's military personnel record revealed the applicant accumulated 1 year, 10 months, and 1 day of satisfactory service from 1953 through 1 August 1961, had a civilian break in service from 2 August 1961 to 5 February 1974. He was commissioned into the AFR on 6 February 1974 and had 9 years of satisfactory service from 1974 through 1986 for a total of 10 years, 10 months, and 3 days. The applicant signed a Ready Reserve Service Agreement and agreed to serve in the Ready Reserve until 20 Mar 85, unless he had a substantial change in status, requested transfer to Standby Reserve, Retired Reserve (if eligible), or was discharged prior to any alert or mobilization, and the request had been approved; the applicant was correctly credited for 1 year of service in which he earned at least 50 points per 10 U.S.C., Section 12732 (2).

Based on a review of the documentation provided and analysis of the facts, there is no evidence of an error or injustice. The applicant does not have 20 years of satisfactory service to claim a Reserve retirement in accordance with 10 U.S.C., Sections 12731 and 12732; and therefore, is not eligible for retirement.

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 May 2024 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)*.
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 applicant requests a Reserve retirement and contends he received an unwarranted derogatory evaluation report from a racist supervisor, which prevented him from serving and fulfilling his oath. The Board concurs with the rationale and recommendation of ARPC/DPTT and finds a preponderance of the evidence does not substantiate the applicant's contentions. Other than his own assertions, the applicant failed to provide substantiated proof he was the victim of racial discrimination and that the contested report was inaccurate or unjust. In addition, there is no evidence the applicant attained sufficient years of satisfactory service to qualify for a Reserve

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retirement in accordance with 10 U.S.C., Section 12731. Therefore, 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 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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2023-02012 in Executive Session on 30 May 2024 and 10 June 2024:

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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 12 June 2023.

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

Exhibit C: Advisory Opinion, ARPC/DPTT, dated 9 May 2024.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 9 May 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.

9/15/2025

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Board Operations Manager, AFBCMR
Signed by: USAF

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