



CUI//SP-MIL/SP-PRVCY

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-02214

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be amended to reflect time spent in the Individual Ready Reserve (IRR).

APPLICANT'S CONTENTIONS

He is currently an active duty naval officer and would like to correct his military history. His record does not indicate he transferred and/or served his IRR commitment from the date of his honorable discharge on 31 August 2010.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an honorably discharged Air Force airman first class (E-3).

On 22 June 2007, according to DD Form 4, *Enlistment/Reenlistment Document, Armed Forces of the United States*, the applicant enlisted in the Air Force Reserve Delayed Entry/Enlistment Program (DEP) for a period of eight years; he was discharged to enlist in the Regular Air Force on 2 October 2007 in the grade of airman basic for a period of four years.

On 2 October 2007, according to DD Form 4, *Enlistment/Reenlistment Document Armed Forces of the United States*, the applicant enlisted in the Air Force for a period of 4 years.

On 31 March 2009, the applicant received nonjudicial punishment under Article 15, *Uniform Code of Military Justice* (UCMJ) for being derelict in the performance of his duties in that he willfully failed to file medical documentation, in violation of Article 92 (UCMJ) and with intent to deceive made a false statement, in violation of Article 107 (UCMJ). His punishment consisted of a reduction in grade from airman first class to the grade of airman and a reprimand.

AF Form 910, *The Enlisted Performance Report (AB thru TSgt)*, (Referral Report) rendered for the period 2 October 2007 thru 1 June 2009, Section III, *Performance Assessment*: 1. *Primary Additional Duties* reflect "Above Average;" 2. *Standards, Conducts, Character, and Military Bearing* reflect "Does Not Meet;" 3. *Fitness* reflect "Meets;" 4. *Training Requirements* reflect "Meets;" 5. *Teamwork/Followership* reflect "Meets." Section V. *Overall Performance Assessment* by the rater and additional rater reflect "Needs Improvement."

On 31 August 2010, according to DD Form 214, the applicant was honorably discharged in the grade of airman first class. He served 2 years, 10 months, and 10 days of active service and

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credited with 2 years, 7 months and 6 days of Foreign Service. The narrative reason for separation reflects "Completion of Required Active Service." Command to which Transferred reflect "N/A."

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

APPLICABLE AUTHORITY/GUIDANCE

Total Force Personnel Services Delivery (PSD) Guide

Section B: General Information - the DD Form 214 is used to record qualifying active duty service. It provides qualifying airmen that are separating, or retiring, with brief and clear records of their active military service for the time period the document is published.

AIR FORCE EVALUATION

AFPC/DPMSSR recommends denying the application. On 31 August 2010, the applicant separated under the provisions of AFI 36-3208, *Enlisted Separation of Airmen*, (Completion of Required Active Service) and PSDM 10-43, *Third FY10 Enlisted DOS Rollback Program* with an honorable service characterization.

The applicant was separated under a DOS Rollback Program. The DOS Rollback Programs allows for commanders to conduct early Selective Reenlistment Program (SRP) consideration for airmen and decide to accelerate the DOS of airmen based on negative quality indicators. The mandatory separation date was established as 31 August 2010. The applicant had quality indicators (Article 15 and Referral EPR) which made him eligible for DOS Rollback. The applicant's commander and base discharge authority decided to accelerate his DOS to 31 August 2010. Only service members who were separated with more than six years of service were eligible for separation pay and entry into the IRR as a result of eligibility. The applicant was separated with less than six years and was not entitled to separation pay and was not required to serve in the IRR. Unless entitled to separation pay under this program, service in the IRR was not required and was treated as a completion of required active service. In conclusion, based on review of the applicant's request and the master of personnel record, there is no evidence of an error or injustice with the discharge processing or the creation of the applicant's DD Form 214, *Certificate of Release or Discharge from Active Duty*.

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 13 October 2023 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. Therefore, the

board recommends against correcting the applicant's records. 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. 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-2023-02214 in Executive Session on 9 April 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:

- Exhibit A: Application, DD Form 149, w/atchs, dated 25 May 2022 and 5 July 2023.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSSR, dated 12 October 2023.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 13 October 2023.

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.

5/24/2024

X Attorney...

Work-Product
Board Operations Manager, AFBCMR
Signed by: Work-Product