



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

### RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2023-02334

*Work-Product*

**COUNSEL:** NONE

**HEARING REQUESTED:** NOT INDICATED

### APPLICANT'S REQUEST

His date of rank (DOR) for major (O-4) be 1 Aug 20, instead of 1 Sep 20.

### APPLICANT'S CONTENTIONS

In 2018, he transferred from the Marine Corps to the Air Force. The interservice transfer office ignored the instructions of AFPC Officer Promotions and accessed him too late to meet the 3 Dec 18 promotion board for major. Due to no fault of his own but the negligence of the interservice transfer office, he was not considered for promotion to major until Dec 19. As a result, he will not be eligible to meet the lieutenant colonel (O-5) board in Jan 24 and is a year behind his peers in his year group. The backdating of his DOR is justified to correct the mistake.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

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

On 14 Mar 18, the applicant requested a conditional release from the Marine Corps to commission in the Air Force.

On 16 Dec 18, the applicant was discharged from the Marine Corps in the grade of captain (O-3) and commissioned in the Regular Air Force in the grade of captain on 17 Dec 18.

Per Special Order dated 30 Mar 21, the applicant was promoted to the grade of major with DOR and effective date for promotion of 1 Sep 20.

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

### APPLICABLE AUTHORITY/GUIDANCE

The CY18 Major (P0418D) Central Selection Board (CSB) convened on 3 Dec 18. The eligibility criteria included an entered active duty (EAD) date on or before 6 Jun 18, the applicant's EAD is 17 Dec 18. The applicant was considered for promotion by the CY19 Major CSB, the first promotion board he was eligible for.

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DAFI 36-2501, *Officer Promotions and Selective Continuation*, paragraph A2.3., Eligibility for Promotion to Major Through Major General. Officers on the active duty list (ADL) are eligible if they meet the criteria established prior to each board by the SECAF or designated representative.

Active Duty List (ADL)—All Air Force officers serving on extended active duty other than those excluded by 10 U.S.C. § 641. Carry officers on the ADL by competitive category and, within their competitive category, in the order of seniority of the grade in which they are serving.

## AIR FORCE EVALUATION

AFPC/DPMLT recommends denial. The applicant was transferred from the Marine Corps to the Air Force with the same DOR. At the time of his appointment in the Air Force, he was not eligible to meet the CY18D Major CSB.

Officers who transfer to the Regular Air Force (RegAF) via the Interservice Transfer Program transfer in the same grade and DOR as they were on the day before their transfer per DAFI 36-2032, *Military Recruiting and Accessions*. Moreover, officers must have an approved RegAF appointment prior to the issuance of EAD orders. The applicant's RegAF appointment was approved on 14 Nov 18. On 15 Nov 18, AFPC/DPMLT notified the applicant of the approval and requested he provide an EAD date. On 19 Nov 18, the applicant confirmed his request for a 10 Dec 18 EAD in the grade of captain with a 1 Mar 14 DOR. Special orders were then issued amending his EAD date to 14 Dec 18 and then to 17 Dec 18 per his request. Additionally, the Marine Corps required at least two weeks advance notice of the Air Force appointment to allow time for discharge processing.

On 17 Dec 18, the applicant executed his Oath of Office accepting the RegAF appointment. Interservice transfers require an officer be discharged from their current commission and appointed in the Air Force without interrupting total service. Accordingly, the Marine Corps issued a DD Form 214, *Certificate of Release or Discharge from Active Duty*, discharging the applicant effective 16 Dec 18.

The complete advisory opinion, with attachments, is at Exhibit C.

## APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 19 Sep 23 for comment (Exhibit E), and the applicant replied on 22 Sep 23. In his response, the applicant contended it would be more accurate to state the interservice office failed to provide him with the necessary information in accordance with the Officer Promotions directives resulting in him selecting a date that did not allow him to be on active duty in the RegAF before the convening of the CY18D Major Board. Unfortunately, the evidence he might have used to substantiate his claim is no longer accessible as it would have been stored in his Navy email account, which has since been deleted.

The Marine Corps did not require a two week processing period and if he had been informed on 15 Nov 18 there would have been ample time to make the necessary arrangements. Upon learning his scroll was approved, he inquired about the appropriate time for his transfer. Unfortunately, they did not relay the information to him and he made an estimate of a reasonable timeline based on his personal circumstances. While the speed of the congressional process for the scroll was

beyond their control, the scroll was approved in a reasonable time. The Officer Promotions office indicated that obtaining a waiver for the required six months before the board was not a difficult task. He was navigating the complexities of an interservice transfer, which he had not previously experienced while fulfilling his primary duty as a flight instructor. His objective is to rectify a situation where with a more comprehensive understanding of the circumstances and better alignment of events, he would not have suffered the loss of a valuable year.

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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DPMLT and finds a preponderance of the evidence does not substantiate the applicant's contentions. While the applicant contends the interservice transfer office was negligent in advising him of his future eligibility for promotion based on his transfer date, there is no evidence to indicate this to be the case. Based on the evidence, it appears his interservice transfer was in accordance with DAFI 36-2032. His EAD was simply several months after the required EAD for eligibility for the CY18 Major (P0418D) Central Selection Board (CSB), which convened before the applicant's EAD. Moreover, the applicant contends he was advised by the AFPC Officer Promotions office a waiver for promotion consideration was possible. The Board does not know what waiver the applicant is referring to as DAFI 36-2501 includes specific eligibility criteria for promotion eligibility for officers on the ADL based on service dates in accordance with 10 U.S.C. § 641. 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 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-2023-02334 in Executive Session on 5 Dec 23:

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 17 Jul 23.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory Opinion, AFPC/DPMLT, w/atchs, dated 12 Sep 23.  
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 19 Sep 23.  
Exhibit E: Applicant's Response, dated 22 Sep 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.

8/17/2025

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Associate Director, AFBCMR

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