



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-02350

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be changed to reflect the grade of technical sergeant.

APPLICANT'S CONTENTIONS

He was retired as a technical sergeant and all other documents reflect this. He did not realize this discrepancy until he recently reviewed his records.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a medically retired Air Force technical sergeant (E-6).

Dated 21 Mar 19, Special Order **Work-Product** indicates the applicant was permanently disability retired in the grade of staff sergeant (E-5) with a compensable percentage for physical disability of 100 percent, effective 29 Jul 19.

On 28 Jul 19, DD Form 214 reflects the applicant was honorably discharged in the grade of staff sergeant (E-5) after serving 6 years, 3 months, and 13 days of active duty. He was discharged, with a narrative reason for separation "Disability, Permanent Integrated Disability Evaluation System (IDES)."

Dated 21 Aug 19, Special Order **Work-Product** an amendment to Special Order **Work-Product** indicates the applicant was retired in the grade of technical sergeant (E-6), effective 29 Jul 19.

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

APPLICABLE AUTHORITY/GUIDANCE

AFBCMR Docket Number BC-2023-02350

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Controlled by: SAF/MRB
CUI Categories: **Work-Product**
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

Per Title 10 U.S.C., Section 1372, *Grade on retirement for physical disability: members of armed forces*, a member is entitled to be retired in the grade to which he or she would have been promoted had it not been for the physical disability for which he or she is retired.

Per AFI 36-3202, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*, dated 22 Nov 05 incorporating changes through 14 Jan 16, the DD Form 214 is a document used to separate an airman from the Regular Air Force or Air Reserve Component airmen from active duty. It provides an accurate and complete summation of active military service at the time of transfer, release, discharge, or change of component or status while on active duty. Per Table 4, *How to Prepare DD Form 214*, Item 4a, *Grade or Rank*, reflects the active-duty grade held at separation.

AIR FORCE EVALUATION

AFPC/DPFDD recommends denying the application finding no evidence an error or an injustice occurred. Although the applicant was disability retired in the grade of technical sergeant (E-6), his official personnel and pay records would not reflect this grade because his line number did not actually increment, and he did not pin-on prior to his date of separation. Documents such as his retirement order and DD Form 214 list staff sergeant (E-5) because that was the grade he held on his date of separation. However, his retiree identification card would list his grade as technical sergeant since that is the grade he was retired at.

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 23 Jul 24 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/DPFDD and finds a preponderance of the evidence does not substantiate the applicant's contentions. Specifically, the Board finds no error with the applicant's current DD Form 214 as this document correctly annotates his grade of staff sergeant (E-5) at the time of separation. His disability retirement order reflects his retirement grade of technical sergeant (E-6) as this is the grade he would have held if it were not for his disability separation, with an effective date one day after his separation date. 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.

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-2023-02350 in Executive Session on 16 Oct 24:

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Panel Chair
Panel Member
Panel Member

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

- Exhibit A: Application, DD Form 149, dated 11 Jan 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPFDD, w/atchs, dated 11 Jul 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 23 Jul 24.

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.

11/7/2024

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Board Operations Manager, AFBCMR
Signed by: USAF