



**CUI//SP-MIL/SP-PRVCY**

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

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

*Work-Product*

**DOCKET NUMBER:** BC-2023-02369

**COUNSEL:** *Work-Product*

**HEARING REQUESTED:** NO

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**APPLICANT'S REQUEST**

His current reenlistment contract be voided due to his assignment being cancelled.

**APPLICANT'S CONTENTIONS**

He was told that he needed to obtain retainability for his next assignment and was subsequently informed he had the option of either reenlisting or extending his current enlistment to obtain an additional 27 months of retainability. Since he had already extended his enlistment for an additional 12 months, he was eligible to extend for 36 more months. However, after he extended, he was informed that he in fact required 39 months of retainability and therefore would have to reenlist in order to accept the assignment.

Under the direct guidance from his Military Personnel Flight, he reenlisted under the condition specified in AFI 36-2606, *Reenlistment and Extension of Enlistment in the United States Air Force*, Table 5.8, Rule 5, "2nd/Career Amn to get retain for PCS/PCS/TDY assign, to include deployments." However, after he reenlisted, his assignment was cancelled and therefore he believes his reenlistment is no longer valid. The applicant goes onto state this is supported by DAFI 36-3211, *Military Separations*, Chapter 7, *Reasons for Involuntary Separation*, paragraph 7.14. *Basis for Discharge for Erroneous Enlistment*. Errors in the enlistment process occur when the Air Force (AF) or Space Force (SF) does not have the true facts or does not take the right action. A member is subject to discharge from an erroneous enlistment, reenlistment, or extension of enlistment if according to: paragraph 7.14.1, It would not have occurred had the relevant facts been known by the AF or SF and the eligibility criteria of AFMAN 36-2032 and AFI 36-2606, had been followed; paragraph 7.14.2, It was not the result of fraudulent conduct on the part of the member; and paragraph 7.14.3, The defect is unchanged in any material respect.

He understands the erroneous reenlistment could lead to unnecessary complications and he wishes to avoid such outcomes and trusts that Space Force will address this matter with the seriousness it deserves.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a currently Space Force sergeant (E-5).

On 2 Sep 20, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant entered the SF for a period of two years and established an Expiration Term of Service (ETS) and Date of Separation (DOS) of 1 Sep 22.

**AFBCMR Docket Number BC-2023-02369  
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Controlled by: SAF/MRB  
CUI Categories: SP-MIL/SP-PRVCY  
Limited Dissemination Control: N/A  
POC: [SAF.MRBC.Workflow@us.af.mil](mailto:SAF.MRBC.Workflow@us.af.mil)

On 11 Aug 22, according to AF Form 1411, *Extension of Enlistment in the Air Force*, the applicant requested a 12 month extension to his current enlistment for the purpose of Personal Convenience and acknowledged Block III, *Extension Counseling*. This established a new DOS of 1 Sep 23.

On 28 Mar 23, according to DD Form 4, the applicant reenlisted in the SF for a period of four years and five months and acknowledged via Block IV, *Reenlistment Agreement*, on the corresponding AF Form 901, *Reenlistment Eligibility Annex to DD Form 4*, signed 21 Mar 23, “No reenlistment guarantee made.” This established a new ETS and DOS of 27 Aug 27.

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 the Air Force Instruction (DAFI) 36-2606, *Military Separations*, Chapter 7, *Reasons for Involuntary Separation*:

Section 7C—Defective Enlistments.

7.13. Types of Defects. Defective enlistments fall into five groups. The action authorized or required for each type depends on the nature of the defect.

7.13.5. Defective Enlistment Agreements. A member may be discharged based on a defective enlistment, reenlistment, or extension of enlistment.

7.13.5.5. Separation or discharge for defective enlistment agreement is appropriate only if the member did not knowingly participate in the creation of the defective agreement and, if the member discovers the defect, notifies the commander, first sergeant, or MPF within 30 days of discovery, or if the member should have reasonably known of the defect, and the member requests separation or discharge instead of other authorized corrective actions.

Air Force Instruction (AFI) 36-2606, *Reenlistment and Extension of Enlistment in the United States Air Force*:

5.9. Erroneous Enlistment/Reenlistment Documents Returned for Correction. There are two types of erroneous reenlistment documents. The first consists of contractual errors made in violation of this publication, such as the reenlistment of ineligible Airmen or Airmen not issued a CJR. The second is administrative, involving typographical errors, strikeovers, misspellings, erroneous computation of required retainability or SRB, etc.

5.9.1. Contractual Errors. Airmen not authorized to reenlist or in violation of this AFI (no CJR, not meeting time in service or time in grade, ineligible RE code, etc.) will have their contract voided. AFPC Reenlistments, directs the MPF to void the contract and takes action as needed to remove any documentation from all systems of record. (T-1).

5.11.6. Reenlistment Agreements. The MPF documents only approved/authorized Air Force reenlistment agreements on AF Form 901. (Note: All reenlistment agreements are identified on the AF Form 901. If the Airman has no reenlistment agreement(s), the MPF will mark the block indicating no reenlistment agreement(s). (T-1). The MPF must authorize only the following guarantees on AF Form 901:

5.11.6.1. Approved retraining. (T-1).

5.11.6.2. Approved Airman for training program that leads to an Air Force commission.

5.11.6.3. Approved Base of Preference or in-place Base of Preference (for First Term Airmen only).

5.11.6.4. Other approved agreements authorized by AF/A1. (Note: The MPF will specify the approved agreement in the area provided.) (T-1).

Table 5.8. Conditions Authorizing Reenlistment.

<b>Rule</b>	<b>A</b>	<b>B</b>
	If the Airman is eligible to reenlist according to <b>Table 5.2</b> and is a	the Airman may reenlist (See Notes 1, 2 and 3 )
5	Second Term or Career Airman	to obtain required retainability for PCS, PCA or TDY assignment, to include deployments. Airmen

DAFI 36-2110, *Total Force Assignments*

6.24. PCS Notification. The Air Force needs to know as quickly as possible after selection if an Airmen has accepted a PCS or exercised another option. Also see execution guidance in the myPers website, Assignment Notification.

6.24.4.3. Airmen Procedures. The 7 calendar day count begins the day after the date an Airman is officially notified via vMPF, or by their commander and ends at the close of MPF business hours on the seventh calendar day following official notification.

6.24.4.3.1.1. Officers and Enlisted. Airmen must sign and date the notification showing their acceptance of the assignment and ADSC and return the notification to the MPF within 7 calendar days. (T-1).

6.24.4.3.1.5. Enlisted only. Enlisted Airmen who do not have the required retainability (see paragraph 6.28) and want to accept the assignment and/or ADSC and wants to obtain retainability must sign and return the notification in person to the MPF within 7 calendar days. (T-1). The MPF will suspense enlisted Airmen to obtain retainability at the earliest possible date, but not later than 30 calendar days after the date enlisted Airmen acknowledged selection. (T-1). If the Airman fails to obtain the required retainability within 30 calendar days from notification, the MPF will take action according to paragraph 6.28. (T-1).

6.29. Seven Day Option. Subject to restrictions in AFI 36-3203 and DAFI 36-3211, Airmen selected for certain active duty service commitment-incurred events (PCS, formal education, or TDY) are given 7 calendar days, after receipt of formal assignment selection or notification, to apply for a retirement or separation date via vMPF, provided they meet applicable eligibility criteria.

6.29.3.10. The eventual cancellation of a PCS requirement is not the basis for allowing an Airman to withdraw an action taken under 7-day option provisions or removal of a formal retainability declination statement, provided the requirement was valid at the time the Airman was notified of selection.

**AIR FORCE EVALUATION**

AFPC/DPMSSM recommends denying the request to cancel his reenlistment. Based on the documentation provided by the applicant and analysis of the facts there is no evidence of an error or injustice. The applicant initially enlisted on 2 Sep 20 for a period of two years establishing a DOS of 1 Sep 22. Under the Personal Convenience option, he extended his enlistment for a period of 12 months on 11 Apr 22, which established a new DOS of 1 Sep 23. In Mar 23, he had an assignment to Japan with a Dec 23 Report Not Later Than Date (RNTLD) which required he obtain retainability to Dec 26. As his DOS was 1 Sep 23, he needed 39 months of retainability in order to secure the assignment. However, since he had already extended his enlistment by 12 months, he was not eligible to extend for the assignment as he would have exceeded the 48 months total extension per enlistment. In accordance with AFI 36-2606, paragraph 6.2.2, "Voluntary extensions for all Airmen are limited to a maximum of 48 months per enlistments (10 USC § 509). This cannot be waived." Therefore, his only options were to either reenlist to obtain retainability for the assignment or decline the assignment which would have then made him ineligible for promotion along with making him ineligible to stay in the SF as he would have been forced to separate on or before his then DOS of 1 Sep 23.

Further, in accordance with DAFI 36-2606, Table 5.8, Rule 5, Airmen are authorized to reenlist to obtain required retainability for PCS, PCA or TDY assignment, to include deployments. However, he misrepresents the AF Form 901, Block IV B, that lists the authority to reenlist, explained above in Rule 5, as "the terms/agreements" in support of cancelling his reenlistment due to terms/agreements not being met. However, Block IV B, is not the terms of the contract, or an agreement entered, but rather lists the "authority/conditions" which allows the Airman the option to reenlist. Additionally, Block IV A, has the "No reenlistment guarantee made" block checked. Furthermore, he was counseled correctly to be eligible for the assignment his only options were to either decline the assignment or to reenlist to obtain assignment retainability and continue his career.

As such, he chose to reenlist on 5 Mar 23 for a period of 4 years and 5 months, with the 5 months being the obligated service remaining on his initial enlistment; 29 days or less dropped and not carried over. While extensions can be cancelled in certain circumstances if they have not been entered into, a reenlistment is effective immediately after the Airman raises their hand, takes the oath, and signs the contract. Reenlistments cannot be cancelled after being executed even if the reason that made the Airman eligible to reenlist was cancelled.

Finally, it would be unfair and inequitable to approve the applicant's request as there are other Airmen that choose to reenlist instead of ending their careers and were not able to cancel their reenlistment when the reason that authorized their reenlistment was cancelled.

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 5 Sep 23 for comment (Exhibit D), but has received no response.

#### **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/DPMSSM and finds a preponderance of the evidence does not substantiate the applicant's contentions. The applicant believes his reenlistment should be invalidated as he only reenlisted for an assignment which was subsequently cancelled. The Board disagrees. The Board finds DAFI 36-2110, is the governing directive in this case, which states the cancellation of a PCS assignment does not withdraw the action (i.e. reenlistment) taken if the requirement was valid at the time the Airman is notified of the assignment. In addition, the Board determined the applicant's case is no different from similarly situated airmen and it would be unfair and inequitable to approve his request. Therefore, the Board recommends against correcting the applicant's records.

**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-2023-02369 in Executive Session on 13 Feb 24:

*Work-Product* [redacted] Panel Chair  
*Work-Product* [redacted] Panel Member  
*Work-Product* [redacted] Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 21 Jul 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSSM, dated 31 Aug 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 5 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.

5/21/2024

X *Work-Product* [redacted]  
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*Work-Product* [redacted]  
Board Operations Manager, AFBCMR  
Signed by: *Work-Product* [redacted]