



Work-Product

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

---

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-02731

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

---

### APPLICANT'S REQUEST

Her DD Form 214, *Certificate of Release or Discharge from Active Duty*, Block 28, *Narrative Reason for Separation*, reflect her permanent retirement after being removed from the Temporary Disability Retired List (TDRL).

### APPLICANT'S CONTENTIONS

Her current DD Form 214 is incorrect because she is no longer on the TDRL.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a former Air Force staff sergeant (E-5).

On 23 May 07, according to Special Order **Work-Product**, dated 10 Apr 07, the applicant was placed on the TDRL in the grade of SSgt with a compensable percentage for physical disability of 50 percent.

On 17 Aug 10, according to Special Order **Work-Product**, dated 28 Jul 10, the applicant was removed from the TDRL and retired with a compensable percentage of 50 percent for physical disability.

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

### APPLICABLE AUTHORITY/GUIDANCE

Title 10, United States Code, Section 1168: Discharge or release from active duty: limitation; DoDI 1336.01, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*; AFI 36-3202, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*; DD Form 214 Total Force Personnel Services Delivery Guide. The DD Form 214 is prepared in

**AFBCMR Docket Number BC-2023-02731**

Work-Product

Work-Product

accordance with the aforementioned publications and is used to record qualifying active duty service.

## **AIR FORCE EVALUATION**

AFPC/DPMSSR-214 recommends denying the application. Based on applicable guidance, a DD Form 214 is not re-issued for members being removed from the TDRL regardless of status at the time of separation. The applicant should have received all pertinent documentation from the Disabilities Office to keep with the original DD Form 214 and provide to the Department of Veterans Affairs (DVA), or any other agency, requiring pertinent information related to the applicant's military current status. The applicant should contact the Disabilities office for copies of this documentation if she no longer has it.

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 10 Jan 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/DPMSSR-214, 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 she 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-2023-02731 in Executive Session on 11 Jun 24:

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 22 Aug 23.

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

Exhibit C: Advisory Opinion, AFPC/DPMSSR-214, dated 13 Dec 23.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 10 Jan 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.

7/29/2024

Work-Product