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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-02776

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: YES

APPLICANT'S REQUEST

1. His date of rank (DOR) for the grade of second lieutenant (O-1) be changed to 25 May 2022 and he receive the associated backpay, benefits and allowances. **(Already corrected in his prior case).**
2. His date of commission and graduation from the United States Air Force Academy (USAFA) be changed to 25 May 2022 and he receive the associated backpay, benefits and allowances.
3. His performance evaluations and all other records be corrected. **(The applicant's records do not include any officer performance briefs at this time).**
4. The Board grant any other just, fair and appropriate relief.

APPLICANT'S CONTENTIONS

Counsel, on behalf of the applicant, contends he was commissioned in October 2022, instead of being commissioned with his peers in May 2022 after being falsely accused of sexual misconduct while at the USAFA. The investigation concluded with no action. His commissioning should not have been delayed. His former commander prepared a memorandum of support indicating she would have fought for him to graduate and be commissioned with the other cadets had she not received erroneous information about delaying his commissioning date.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air Force first lieutenant (O-2).

The appointment scroll signed by the Secretary of Defense (SECDEF) in accordance with 10 U.S.C. § 531 dated 3 May 2022 includes the applicant's name as being appointed in the Regular Air Force in the grade of O-1.

USAFA Form 0-112, *Request and Authorization for Permanent Change of Station – Air Force Military, Extended Active Duty Order (EAD)*, Special Order **Work-Product** dated 12 October 2022, Block 14, *Remarks*, states his scroll date is 3 May 2022. Block 14, Item 1, states "The cadet named on the reverse USAF Academy Class of 2022 (contingent upon acceptance of appointment as a 2d Lt in the Air Force or Space Force), is relieved from the Cadet Wing as a cadet, USAF Academy on 12 October 2022 and is ordered to extended active duty (voluntary) per 10 U.S.C. § 531,

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

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effective 13 October 2022. The applicant attended the USAFA from 28 June 2018 to 12 October 2022.”

On 11 June 2024, the Board partially granted his request and recommended his DOR to the grade of O-1 be changed to 25 May 2022. The Board concurred with the rationale and recommendation of USAFA/JA that the applicant provided sufficient evidence to warrant changing his DOR to the grade of O-1 to 25 May 2022. Specifically, he was not charged or convicted of a crime and had it not been for the investigation, he would have graduated the USAFA on 25 May 2022 with his classmates. However, the Board noted the authority to change the date of appointment for the applicant lies solely with the Secretary of War. The applicant’s counsel requested the Board coordinate with the Secretary of War for the correction of the applicant’s record. However, this was outside the Board’s authority and the Board found the applicant was required to pursue the requested correction through the Department of War or the Court. Accordingly, the Board recommended correcting his records to show his grade of O-2 as 25 May 2022; however, denied the request for change of his commissioning date and graduation from the USAFA from 13 October 2022 to 25 May 2022. For more information, see the complete prior case at Exhibit E.

The applicant’s Statement of Service Date, dated 21 May 2025, and the military personnel data system (MilPDS) reflects the applicant’s Total Federal Commission Service Date (TFCSD), Total Active Federal Commission Service Date (TAFCSO), Total Years Service Date (TYSD), Paydate and EAD is 13 October 2022.

AF Form 973, *Request and Authorization for Change of Administrative Orders*, Special Order [REDACTED], dated 22 May 2025, corrected the applicant’s DOR and effective date for promotion to the grade of O-2 to reflect 25 May 2024 per the AFBCMR Directive. The applicant’s DOR for O-2 was also corrected to 25 May 2022.

In an email dated 11 August 2025, the Office of the Under Secretary of Defense, Personnel and Readiness (OUSDP&R) Office of Legal Policy (OLP) informed the AFBCMR it was within the Board’s authority to correct the applicant’s commissioning date to 25 May 2022 per the 3 May 2022 signed scroll. In accordance with the OUSDP&R OLP determination, SAF/MRBL concluded the applicant’s case should be re-opened for further consideration.

On 11 August 2025, the applicant’s case was re-opened and on 13 August 2025, the Board staff informed the applicant his case was re-opened for further adjudication.

APPLICABLE AUTHORITY/GUIDANCE

10 U.S.C. § 531(a)(1), Original appointments of commissioned officers, Original appointments in the grades of second lieutenant, first lieutenant and captain in the Regular Army, Regular Air Force, Regular Marine Corps and Space Force and in the grades of ensign, lieutenant (junior grade) and lieutenant in the Regular Navy shall be made by the President alone. The commission date for an academy graduate is typically effective on the date of graduation from the academy.

Executive Order 13358, *Assignment of Functions Relating to Certain Appointments, Promotions and Commissions in the Armed Forces*, dated 28 September 2024, authorized the SECDEF to approve initial appointments

10 U.S.C. § 741(a)(1) The DOR of an officer of the Army, Navy, Air Force, Marine Corps or Space Force who holds a grade as the result of an original appointment shall be determined by the Secretary of the Military Department concerned at the time of such appointment.

FINDINGS AND CONCLUSION

1. The application was timely filed.
2. The applicant exhausted all available administrative remedies before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is the victim of an error or injustice. The Board in the applicant’s prior case concurred with the rationale and the recommendation of USAFA/JA and found the applicant was the victim of an error or injustice. The Board noted the applicant was not charged or convicted of any crime and had it not been for the protracted investigation, he would have graduated and commissioned with his peers from the USAFA on 25 May 2022. The Board corrected the applicant’s DOR for the grades of O-1 and O-2; however, believed it was not within the Board’s authority to change his commission and graduation dates. However, OUSD P&R OLP in an email, dated 11 August 2025, informed the AFBCMR that it is within the Board’s authority to consider the applicant’s request for change of his commission date based on the 3 May 2022 signed appointment scroll. Based on the totality of the evidence and the OSD P&R OLP’s determination, the Board recommends the applicant’s records be corrected to show he graduated from the USAFA and was commissioned on 25 May 2022 with his classmates. Therefore, the Board recommends correcting the applicant’s records as indicated below.
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 pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show his records be corrected to show he graduated from the USAFA and was commissioned in the Regular Air Force in the grade of O-1 on 25 May 2022.

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-2023-02776 in Executive Session on 6 November 2025:

Work-Product Panel Chair
Work-Product Panel Member
Work-Product Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit E: Record of Proceedings, w/Exhibits A-D, dated 25 August 2024.
- Exhibit F: Email, OSD P&R OLP, w/atchs, dated 8 August 2025.
- Exhibit G: Documentary evidence, including relevant excerpts from official records.

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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.

12/5/2025

[Redacted Signature Area]
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Board Operations Manager, AFBCMR
Signed by: USAF

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