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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-02991

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COUNSEL:

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HEARING REQUESTED: NO

APPLICANT'S REQUEST

His Date of Enlistment (DOE) in the Air Force Reserve (AFR) be changed from 25 Feb 21 to 2 Nov 21 with the corresponding change to his Expiration Term of Service (ETS) from 24 Feb 27 to 1 Nov 27.

APPLICANT'S CONTENTIONS

He enlisted on 25 Feb 21, but all of his enlistment documents were lost, which subsequently caused an eight-month delay to being officially gained by his unit and precluded his attendance from Unit Training Assembly (UTA) until 6 Nov 21. The gap between his enlistment and his UTA attendance caused his enlistment bonus to lapse, because through no fault of his own he was unable to attend the UTAs, which was a requirement for the bonus entitlement.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an AFR technical sergeant.

On 25 Feb 21, according to the applicant's Military Personnel Data System (MilPDS) record, the applicant enlisted for a period of six years with an ETS of 24 Feb 27.

On 23 May 24, a pull from his MilPDS record reflects for the applicant's Retirement/Retention (R/R) year of 25 Feb 21 – 24 Feb 22, he was credited with 12 points for Individual Duty for Training (IDT).

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

AIR FORCE EVALUATION

AFRC/A1KK, recommends granting the request to change his service dates and update his bonus incentive package. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. The applicant enlisted on 25 Feb 21; however, he was not officially gained by his unit until Oct 21 and his first UTA was on 6 Nov 21. The delay in participation from his DOE until the date he participated in his first UTA prevented him from satisfactory meeting the participation requirements to qualify for his full military entitlement as outline in Department of Defense Instruction (DAFI) 36-3012, *Military Entitlements*.

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According to DAFI 36-3012, paragraph 5.3.1., To qualify for any incentive, a member is obligated contractually to serve satisfactorily in the AFR for the full term of enlistment, reenlistment, accession, affiliation, or retraining contract for which a bonus is paid. 5.3.2. Satisfactory participation for a Traditional Reservist is no more than four unexcused absences based on a 12-month period within their anniversary year. Satisfactory participation for an Individual Reservist is the completion of 24/48 IDT periods based on a 12-month anniversary contract period. Traditional Reservist must satisfy UTA participation of 48 IDT periods, and Individual Reservist must satisfy 24/48 IDTs, within their anniversary year to receive a full anniversary incentive payment.

Therefore, due to the administrative delay in processing the applicant's documents and completing the gaining process, he was unable to meet the participation required by his contractual agreement and did not receive the full entitlement as outlined in his contract.

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 22 May 24 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 the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFRC/A1KK and finds a preponderance of the evidence substantiates the applicant's contentions. The Board finds administrative delays in the unit's gaining process, which were no fault of the applicant, resulted in the applicant being unable to meet the participation requirements per his contractual agreement and thus he was unable to receive his full bonus entitlement per the contract. Therefore, the Board recommends correcting the applicant's records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show

- a. His enlistment in the Air Force Reserve, effective 25 February 2021, be void and removed from his record.
- b. On 2 November 2021, he enlisted in the Air Force Reserve in the grade of staff sergeant (E-5) for a period of six (6) years and with an Expiration Term of Service (ETS) of 1 November 2027.
- c. His Enlistment Incentive Bonus package be updated to reflect a Date of Enlistment of 2 November 2021 and that he completed the required UTA participation periods, in accordance with DAFI 36-3102, within his anniversary year.

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-2023-02991 in Executive Session on 18 Jun 24:

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 A: Application, DD Form 149, w/atchs, dated 9 Sep 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFRC/A1KK, dated 17 May 23¹.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 22 May 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

¹ This date is a typo. The correct date of the document is 17 May 24.