



Work-Product

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

**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2023-03237

Work-Product

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

**APPLICANT’S REQUEST**

1. His status as a former member be changed to reflect his transfer to the Retired Reserve List (RRL).
2. He be given time in grade (TIG) credit to retire as a colonel (O-6).

**APPLICANT’S CONTENTIONS**

He was discharged from the Air National Guard (ANG) on 24 Jun 21, backdated to 28 Feb 21, without his knowledge. No one in his chain of command was informed of this decision and he was not provided guidance on what steps he needed to take prior to or after his discharge. When he started his process for retirement, he was told he was in a former member status and his retirement pay would not include cost-of-living adjustment (COLA) increases. He lost two years and seven months of creditable service time and the opportunity to transfer to the Individual Ready Reserve (IRR) or another unit and therefore, did not meet the TIG requirement to retire in the grade of O-6. He should be granted TIG credit because the whole process was done without his knowledge or the knowledge of his leadership. Because he was separated without his knowledge or the knowledge of his unit/leadership, he was denied an opportunity for a retirement ceremony, submission of a final decoration, transfer to the Individual Mobilization Augmentee (IMA) program, transfer to the Retired Reserve, and a final medical/dental examination.

The applicant’s complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a former ANG colonel (O-6).

On 6 Jun 08, ARPC/DPTT sent the applicant the standard Notification of Eligibility for retired pay (20-year letter) informing him he has completed the required years under the provisions of Title 10 U.S.C., Section 12731 and is entitled to retired pay upon application prior to age 60.

On 8 Sep 20, a letter from The Adjutant General (TAG) indicated the **Work-Product** ANG Selective Retention Review Board (SRRB) did not select the applicant for continued retention and

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Controlled by: SAF/MRB
CUI Categories: <b>Work-Product</b>
Limited Dissemination Control: N/A
POC: <a href="mailto:SAF.MRBC.Workflow@us.af.mil">SAF.MRBC.Workflow@us.af.mil</a>

informed him he would be separated from the Wor... ANG effective 28 Feb 21. This letter informed the applicant, a request for reconsideration must be made within 30 days but no later than 15 Nov.

On 21 Oct 20, the applicant requested transfer to the IRR to allow him to stay in the military system and potentially find a new military home.

On 20 Dec 20, TAG approved the applicant's request to be transferred to the IRR.

On 4 Jan 21, the applicant requested reconsideration of the SRRB results. He indicated if he were non-retained, he would not meet the TIG requirements for retirement as an O-6. He goes on to explain he thought he would earn TIG credit by transferring to the IRR program through completion of correspondence courses but was told by ARPC, this was no longer the case. He further goes on to explain why he would be an asset to the Wor... ANG.

On 11 Feb 21, the applicant's request to remain in the Wor... ANG was disapproved by TAG which indicated the applicant's original request to transfer to the IRR remained approved.

On 28 Feb 21, NGB Form 22, *National Guard Bureau Report of Separation and Record of Service*, reflects the applicant was honorably discharged from the Air National Guard after serving 32 years, 11 months, and 1 day of total service for pay. He was discharged, with a narrative reason for separation "Selection Retention Board Action-Fail to Apply for Retirement."

Dated 24 Jun 21, Special Order Work-Product indicates the applicant was honorably discharged from the Wor... ANG, effective 28 Feb 21.

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

## APPLICABLE AUTHORITY

AFI 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*, dated 14 Apr 05, paragraph 1.2.1, *Former Members*, states all members who are eligible for transfer to the Retired Reserve and choose discharge must be formally counseled concerning this policy and its effects on their benefits. The new DAFI 36-3203, *Service Retirements*, dated 29 Jan 21, deleted this requirement to be formally counseled. Paragraph 9.3, *Former Members*, states a former member is an individual who qualified for retirement but elected not to transfer to the retired reserve who was subsequently discharged for physical disqualification, misconduct, upon expiration of member's contract, or resigned the officer's commission. These members have no military status but are authorized certain entitlements and benefits per DAFI 36-3026V1, *Identification Cards for Members of the Uniformed Services, their Eligible Family Members, and Other Eligible Personnel*.

Per paragraph 6.1, *Standard Medical Examination for RegAF, USSF, AFR, and ANG*, of DAFI 36-3203, all retiring members must take a comprehensive separation history and physical examination (SHPE) unless the members are separating or retiring after being found unfit for continued military service through the disability evaluation process and have completed the exams in that process.

The application of the requirement for a comprehensive SHPE to Air Force Reserve (AFR) personnel is limited to certain criteria as detailed in DAFMAN 48-123, *Medical Examinations and Standards*, Chapter 6. Per paragraph 6.6.2 of DAFMAN 48-123, the local servicing DVA staff should accomplish SHPEs whenever possible. They should be accomplished consistent with the memorandum of agreement between the DVA and DoD, as well as DoDI 6040.46, *SHPE for DoD Separation Health Assessment Program*. In the case of the ARC, the appropriate DoD contractor will accomplish the SHPE. When it is not possible for the local servicing DVA staff or DoD contractor to accomplish the task, the servicing military medical facility staff will complete SHPE examinations. If time allows, ARC service members may complete the SHPE through the DVA. If not completed by the DVA, ARC service members should complete the mandated SHPE as directed by the military medical facility, ARC Medical Unit or SHPE program guide.

Per paragraph 8.2.5, *Three-Year TIG Requirement for Retirement Above the Grade of Major*, of DAFI 36-3203, to voluntarily retire in any grade higher than major, an officer must have satisfactorily served—as determined by the Secretary of the Air Force (SAF) or designee—a minimum of three years TIG while on active duty for active-duty retirements or during creditable service for Air Force Reserve (AFR) members retiring under 10 U.S.C. Section 12731, unless granted a SAF TIG waiver. When authorized by the Secretary of Defense, the SAF or designee may approve retirement of an officer above the grade of major who does not meet the three-year TIG criteria if the officer has satisfactorily served, as determined by the SAF or designee, a minimum of two years TIG while on active duty for active-duty retirements or during creditable service for AFR members retiring under 10 U.S.C. Section 12371. Requests must include strong justification and documentation to support the waiver would satisfy the best interests of the Air Force.

Per AFMAN 36-2806, *Awards and Memorialization Program*, paragraphs 3.18, 3.19, 3.22.3 and 3.23, retired and separated members may be considered for an Air Force decoration provided the award is initiated within two years of the effective retirement or separation. Recommendations are processed through the veteran's chain of command at the time of retirement or separation. Any member of the U.S. Armed Forces or DoD civilian employee who has firsthand knowledge of the act, achievement, or service can recommend a decoration. Recommendations (except the Purple Heart) are entered into official channels within three years and awarded within five years of the act, achievement, or service performed. Recommendations (to include reconsiderations and upgrades) submitted after the applicable time limitation are only considered if submitted pursuant to 10 U.S.C. Section 1130. This legislation allows consideration of recommendations submitted beyond the time limitation. Requests are made by someone other than the member, who has firsthand knowledge of the acts or achievements. Every effort should be made to obtain an endorsement from someone in the member's chain of command at the time of the act, achievement or service performed. The requester submits a written request to a member of Congress for endorsement on a recommendation, pursuant to 10 U.S.C. Section 1130. Recommendations should include a narrative justification, citation, eyewitness statements and supporting documents. Refer to paragraph A9.5 and Table 3.1 for additional guidance. The member of Congress endorses the recommendation and submits it to the Air Force Legislative Liaison Office, 1160 Air Force Pentagon, Washington, D.C. 20330-1160. The Air Force Legislative Liaison Office forwards the recommendation to AFPC/IG for action.

## **AIR FORCE EVALUATION**

AFPC/DPTT recommends denying the applicant's request to be placed on the RRL. A review of the applicant's Military Personnel Record shows he did not apply to be transferred to the retired reserve prior to being separated from his Guard unit. The applicant was not retained and was transferred to the IRR. He claims this was all unbeknownst to him; however, in analyzing the documentation, it seems the applicant did request transfer to the IRR and then states he was discharged without any notifications. Since the applicant has completed the required satisfactory service for a non-Regular retirement, he may request pay at age 60.

The complete advisory opinion is at Exhibit C.

NGB/A1PP recommends partially granting the application; granting his request to be transferred to the RRL but denying his request for TIG credit as an O-6. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. An email exchange on 6 Jan 21, discussed the potential for a reconsideration request for continued service. The applicant's subsequent request was denied by The Adjutant General (TAG) on 11 Feb 21. The applicant was not informed of this final decision and was transferred to the IRR. Per ANGI 36-2651, *ANG Selective Retention Review Boards*, paragraph 3.3.4, after TAG/CG decides on retention or non-retention, a letter should be sent to the member, the relevant wing/group commander, the appropriate Force Support Squadron (FSS), Geographically Separated Unit (GSU) personnel office, and Human Resource Office (HRO), informing them of the decision. The applicant was not notified prior to his transfer his reconsideration was disapproved. The applicant was not afforded the opportunity to apply for transfer to the Retired Reserve; therefore, he should be granted the approval to transfer to the Retired Reserve, effective 28 Feb 21.

According to AFI 36-3203, paragraph 3.1.2.2 regarding Officer Eligibility, for voluntary reserve retirement at a grade higher than major, an officer must have satisfactorily served in the higher grade for at least three years TIG; otherwise, the officer will retire at the next lower grade unless a waiver is granted under a provision of law. The applicant completed two years and six months of service as a colonel. Following the provided guidelines, the applicant failed to fulfill the TIG requirement and did not request a TIG waiver from the SAF.

The complete advisory opinion is at Exhibit D.

## **APPLICANT'S REVIEW OF AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 6 Jun 24 for comment (Exhibit E), 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 NGB/A1PP and finds a preponderance of the evidence substantiates the applicant’s contentions in part. The Board finds evidence the applicant was not properly notified, his appeal for continued service was denied by TAG which initiated his transfer to the IRR without his or his direct unit’s knowledge. Due to this, he was not afforded the opportunity to apply for retirement before his separation. Therefore, the Board recommends granting a portion of the applicant’s request to be transferred to the RRL as indicated below. However, for the remainder of the applicant’s request, the evidence presented did not demonstrate an error or injustice, and the Board therefore finds no basis to recommend granting that portion of the applicant’s request. Even though the applicant was not afforded the opportunity to apply for a TIG waiver due to the error in the notification process, the Board finds the evidence presented did not include strong justification and documentation to support a waiver would be in the best interests of the Air Force. Additionally, for the applicant’s contention he was not afforded the opportunity for a retirement ceremony, submission of a final decoration, or a final medical/dental examination; the Board makes the following determinations. The applicant can request a SHPE through the DVA. The Board makes no determination regarding a retirement ceremony as this is not a mandatory requirement. Additionally, the Board finds no evidence the applicant was submitted for an award or medal before his separation. Medals for achievement or meritorious service are not automatic; requests are made by someone other than the member, who has firsthand knowledge of the acts or achievements. The applicant can have another person, on his behalf, file a request with his congressperson since the statutory time requirements have lapsed.

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 he was not discharged from the Air National Guard on 28 February 2021, but on that date, he was assigned to the Retired Reserve Section, and his name was placed on the Retired Reserve List, and he was eligible for retired pay at age 60, under the provisions of Title 10, United States Code, Section 12731.

However, regarding the remainder of the applicant’s request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

**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-2023-03237 in Executive Session on 17 Jul 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 30 Sep 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, ARPC/DPTT, w/atchs, dated 15 May 24.
- Exhibit D: Advisory opinion, NGB/A1PP, w/atchs, dated 29 May 24.
- Exhibit E: Notification of advisory, SAF/MRBC to applicant, dated 6 Jun 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.

7/30/2024

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Board Operations Manager, AFBCMR  
Signed by: USAF