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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-03985

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

The break-in-service following her separation from active duty and her appointment in the Air Force Reserve (AFR) be eliminated.

### APPLICANT'S CONTENTIONS

She has recently returned to active duty from the AFR and discovered her records reflect a break in service between her first active duty tour and her PALACE FRONT transfer to the AFR. When she applied for PALACE FRONT, she was assured by the in-service recruiter that if she was selected by a gaining unit prior to her date of separation from active duty she would not have a break in service. She applied for PALACE FRONT on 30 Mar 16 and was approved by a gaining unit on 16 Apr 16. However, due to delays in the Secretary of Defense (SecDef) scrolling process, and due to no fault of her own, her transfer resulted in an unjust break in service.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is an Air Force Nurse Corps captain (O-3).

On 30 Mar 16, according to AF IMT 1288, *Application for Ready Reserve Assignment*, the applicant applied for a PALACE FRONT transfer to the AFR.

On 17 Jun 16, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, upon completion of required active service the applicant resigned from the Regular Air Force in the grade of O-2.

On 15 Aug 16, according to Reserve Order Work-Product dated 26 Sep 16, the applicant's appointment to the Air Force Reserve in the grade of O-2 was approved by the SecDef.

On 29 Sep 23, according to AF IMT 766, *Extended Active Duty Order*, the applicant was ordered to active duty, in accordance with 10 USC 12301(d), for an indefinite period in the grade of captain (O-3).

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

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## AIR FORCE EVALUATION

ARPC/DPAR, recommends approval. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. The applicant was separated from the Regular Air Force on 17 Jun 16. Her appointment to the AFR **Work-Product** was approved by the SecDef on 15 Aug 16. The break in service between her separation from active duty and appointment in the AFR was due to delay and SecDef approval and due to no fault of her own. Additionally, according to her DD Form 214, she did have a Reserve Obligation and should have transferred immediately upon separation into the AFR.

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 23 Jan 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 ARPC/DPAR and finds a preponderance of the evidence substantiates the applicant's contentions. 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 she was not released from active duty effective 17 Jun 16 but on that date, she was continued on active duty until 14 Aug 16 on which date she tendered her resignation, was discharged from all Regular Air Force appointments, and was released from active duty.

## 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-2023-03985 in Executive Session on 9 Jul 24:

**Work-Product** Panel Chair

**Work-Product** Panel Member

**Work-Product** Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 30 Nov 23.

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

Exhibit C: Advisory opinion, ARPC/DPAR, w/atchs, dated 19 Jan 24.

Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 23 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.

9/30/2024

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Board Operations Manager, AFBCMR

Signed by: Work-Product

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