



Work-Product

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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2024-00376

COUNSEL: Work-Product

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

1. The break-in-service following his separation from active duty and his appointment in the Air Force Reserve (AFR) be eliminated.
2. His nonselection for the W0415A, W0416A, and W0417A non-participating promotion boards be removed from his record.

### APPLICANT'S CONTENTIONS

On 19 May 14, he submitted a Voluntary Separation Application under the Voluntary Separation Pay (VSP) program requesting he be given an AFR commission and accordingly, he should have transferred directly upon his separation from active duty into the Reserve. However, due to no fault of his own, the Secretary of Defense (SecDef) did not approve his Reserve scroll until 29 Sep 16, with a corresponding appointment date into the AFR of 19 Dec 16. This resulted in a break in service from 30 Sep 14 – 18 Dec 16. Additionally, this also resulted in him being a non-select for the CY15, CY16, and CY17 nonparticipating promotion boards.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is an AFR lieutenant colonel (O-5).

On 19 May 14, according to a Voluntary Separation Application, he requested to separate under the VSP program.

On 29 Sep 14, according to the applicant's DD Form 214, *Certificate of Release or Discharge from Active Duty*, he was honorably released from active duty with the narrative reason of separation of Force Shaping, and was transferred to the AFR.

On 19 Dec 16, according to Reserve Order Work-Product, dated 12 Jan 17, the applicant was appointed in the grade of O-3 to the Selected Reserve.

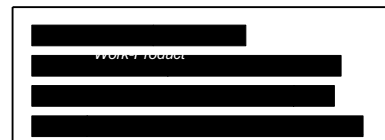
For more information, see the excerpt of the applicant's record at Exhibit B and the advisories at Exhibits C and Exhibit D.

### AIR FORCE EVALUATION

ARPC/DPAR, recommends granting the request. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice as the break in service

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was at no fault of the applicant and due to a delay in the SecDef approval of the scroll. On 29 Sep 14, he separated from active duty, under the VSP program and agreed to serve a minimum of three years in the Ready Reserve. However, the scroll was not approved by the SecDef until 29 Sep 16 and he was not appointed into the AFR until 19 Dec 16.

The complete advisory opinion is at Exhibit C.

ARPC/PB, recommends granting the request to have his nonselection for the W0415A, W0416A, and W0417A nonparticipating promotion boards removed from his records. When the break in service is corrected, the applicant's date of separation (DOS) from active duty will reflect 18 Dec 16. Based on this corrected DOS, the applicant would not have been eligible for any of the nonparticipating promotion boards for CY15, CY16, or CY17. However, based on this corrected DOS date, 18 Dec 16, he would have been eligible for the V0417A participating promotion board which convened on 30 Jan 17. As such, ARPC/PB recommends the applicant should be granted a special selection board (SSB) for the V0417A, CY17 USAFR Major Line and Nonline Participating Reserve promotion board.

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 15 Apr 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 ARPC/DPAR and ARPC/PB 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 that:

- a. He was not released from active duty on 29 Sep 14, but on that date, he continued to serve on active duty until 18 Dec 16, on which date he tendered his resignation, was discharged from all Regular Air Force appointments and released from active duty.
- b. His nonselect for promotion on the W0415A, W0416A, and W0417A nonparticipating promotion boards be removed from his records.
- c. He receive consideration for promotion to the grade of major by a Special Selection Board for the V0417A CY17 USAFR Major Line and Nonline Participating Reserve promotion 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-2024-00376 in Executive Session on 11 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 30 Jan 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, ARPC/DPAR, w/atchs, dated 26 Mar 24.
- Exhibit D: Advisory opinion, ARPC/DP, dated 1 Apr 24.
- Exhibit E: Notification of advisory, SAF/MRBC to applicant, dated 15 Apr 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.

12/17/2024

X	Work-Product
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Board Operations Manager, AFBCMR	
Signed by	Work-Product