



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00839

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His mandatory separation date (MSD) of 1 Aug 24 be changed to 1 Dec 28.

APPLICANT'S CONTENTIONS

This correction can be accomplished by eliminating his time in the Inactive Status List Reserve Section (ISLRS) from the calculation of his Total Federal Commissioned Service Date (TFCD). His current TFCD of 7 Jul 96, does not allow him to obtain 20 years of satisfactory service due to his time in the Non-Participating Ready Reserve Personnel Section (NNRPS) and ISLRS as his current MSD of 1 Aug 24 is three months shy of completing his 20th year of service on 5 Nov 24. He was originally commissioned on 16 May 92 and separated from active duty on 30 Jul 97. He was transferred to the NNRPS upon completion of his eight (8) year military service obligation (MSO) and was then transferred to the ISLRS on 16 May 22. On 14 Sep 06, he was honorably discharged. On 6 Nov 10, after a 13-year break in service, he was commissioned in the Maine Air National Guard (ANG).

When he joined the ANG, he received an age waiver as he was over 40 to allow him to attain 20 years of satisfactory service before reaching age 60. He requested an MSD extension from the National Guard Bureau, which was denied due to his Air Force Specialty Code (AFSC) mismatch, as the current MSD date does not allow him to apply for school to receive the appropriate AFSC. Correction of his MSD will allow him to correct the AFSC mismatch, continue as a commander, and obtain a reserve component retirement.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 16 May 92, according to Reserve Order Work-Product dated 22 Jun 92, the applicant was appointed a second lieutenant (O-1) in the Reserve of the Air Force.

On 15 Oct 92, Special Order SO Work-Product dated 18 Aug 92, the applicant was ordered to extended active duty.

On 30 Jul 97, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, he was honorably released from active duty with a narrative reason for separation of "Completion of Required Active Service" and transferred to the Air Force Reserve (Obligated Reserve Section). He was credited with 4 years, 9 months, and 16 days of active service.

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Controlled by: SAF/MRB
CUI Categories: Work-Product
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

On 19 Jun 00, according to a memorandum from HQ ARPC/DAS, *Assignment to the Non-Obligated, Non-Participating Ready Personnel Section*, he was notified he was assigned to the NNRPS as he has fulfilled his eight (8) year military service obligation.

On 16 May 02, according to Reserve Order **Work-Product** dated 22 May 02, he was reassigned from HQ ARPC NNPS to HQ ARPC IRSLS.

On 14 Sep 06, according to Reserve Order **Work-Product** date 2 Oct 06, he was relieved from assignment to the ISLRS and honorably discharged from all appointments in the United States Air Force.

On 13 Oct 10, according to NGB/AIP memorandum, *"FOUO" Approval for Temporary Appointment of Prior Service Officer - <applicant>*, he was approved for a temporary appointment in the Maine Air National Guard in the grade of captain. The following service dates apply:

TYSD: Date of appointment backdated 14 years, 3 months, 28 days.
DOR: Date of appointment backdated 5 years, 9 months, 15 days.
TFCSD: Date of appointment backdated 14 years, 3 months, 28 days.

On 6 Nov 10, according to Special Order Number **Work-Product** dated 28 Feb 11, he was extended Federal Recognition in the Maine Air National Guard in the grade of captain.

On 28 Aug 23, according to ARPC/DPTTS memorandum, *Mandatory Separation Date*, he was notified IAW 10 USC 12646, he was being placed in Reserve Sanctuary as his MSD expires on 1 Aug 24, and he has completed 19 years of satisfactory service. He may remain in an active status until he completes 20 years of satisfactory service **OR** 1 Aug 25 (adjusted MSD), *whichever is earlier*.

On 7 Nov 24, according to a printout from the applicant's MilPDS Points Credit Report Summary, as of 5 Nov 23, he had 19 years of satisfactory service. It further reflects as of 19 Oct 24, for his Retention/Retirement year, 6 Nov 23 – 5 Nov 24, he has been credited with 67 points.

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

APPLICABLE AUTHORITY/GUIDANCE

10 U.S. Code § 14507 - *Removal from the reserve active-status list for years of service: reserve lieutenant colonels and colonels of the Army, Air Force, and Marine Corps and reserve commanders and captains of the Navy:* a) Lieutenant Colonels And Commanders. Unless continued on the reserve active-status list under section 14701 or 14702 of this title or retained as provided in section 12646 or 12686 of this title, each reserve officer of the Army, Navy, Air Force, or Marine Corps who holds the grade of lieutenant colonel or commander and who is not on a list of officers recommended for promotion to the next higher grade shall (if not earlier removed from the reserve active-status list) be removed from that list under section 14514 of this title on the first day of the month after the month in which the officer completes 28 years of commissioned service.

§12646. *Commissioned officers: retention of after completing 18 or more, but less than 20, years of service.* (b) If on the date prescribed for the discharge or transfer from an active status of a reserve commissioned officer he is entitled to be credited with at least 19, but less than 20, years of service computed under section 12732 of this title, he may not be discharged or transferred from

an active status under chapter 843, 1407, or 1409 of this title or chapter 21 ¹ of title 14, without his consent before the earlier of the following dates- (1) the date on which he is entitled to be credited with 20 years of service computed under section 12732 of this title;

AIR FORCE EVALUATION

ARPC/DPAM recommends denying the request. Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice. The applicant was transferred to the Obligated Reserve Section (ORS) of the Individual Ready Reserve (IRR) when he separated from the Selected Reserve on 30 Jul 97. When his initial eight (8) year MSO was completed on 15 May 00, he was transferred to the NNRPS of the IRR. The maximum length of stay in the NNRPS is two (2) years. On 16 May 02, he was transferred to the ISLRS of the Standby Reserve and was assigned there from that date until 14 Sep 06. On 15 Sep 06 he was discharged from the ISLRS.

His assignment to the IRR and Standby Reserve were in accordance with (IAW) Air Force Instruction (AFI) 36-2115, *Assignments within the Reserve Component*, dated 1 Oct 97. His MSO began when he was commissioned on 16 May 92 and ended on 15 May 00. He was transferred to the NNRPS, IAW AFI 36-2115, paragraph 5.3.3, which reads: "The IRR Non-obligated Non-participating Ready Personnel Section (NNRPS-RD) is made up of officers and enlisted personnel without an MSO who qualify for duty worldwide"; and paragraph 5.3.3.1 "Assign officers to NNRPS when: They complete their MSO while in ORS and do not apply for and obtain participating Reserve assignments."

He served two (2) years in NNRPS and was transferred to the ISLRS IAW AFI 36-2115, paragraph 5.3.3.3., which reads: Reassign officers from NNRPS to the Inactive Standby Reserve Section (ISLRS) if they do not get a participating assignment after 2 years (VSI recipients after 3 years.). Although the standard term in ISLRS is generally 3 years, in accordance with AFI 36-2115, 5.4.2.7, which states "Reserve officers generally remain assigned to ISLRS for 3 years after which time they can be screened for discharge", he remained in the ISLRS for four (4) years, 3 months, and 28 days. There is no documentation in his records why he spent 1 year, 3 months, and 28 days longer in the ISLRS than the normal three (3) years, but discharge from the ISLRS is at the discretion of the ARPC Commander (ARPC/CC).

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 10 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 a careful review of the applicant's contentions and the available evidence of record the Board concludes the applicant is not the victim of an error or injustice. The Board concurs with the rationale and recommendation of ARPC/DPAM and finds a preponderance of the evidence does not substantiate the applicant's contentions. While the applicant contends his time in the Inactive List Reserve Section does not allow him to obtain 20 years of satisfactory service, the

Board disagrees. On 28 Aug 23, the applicant was notified as he would complete 19 years of satisfactory service as of his Retention/Retirement anniversary of 5 Nov 23, he was being placed in Reserve Sanctuary and thereby was allowed to remain on active status until 5 Nov 24 when he completed, and was credited with, 20 years of satisfactory service. Furthermore, as the applicant did not provide compelling evidence that his time spent in the ISLRS or NNRPS were not in accordance with the governing directive in place at the time, the Board finds the applicant's situation to be no different than similarly situated officers. In view of the foregoing, the Board recommends against correcting the applicant's record.

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 Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

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-2024-00839 in Executive Session on 26 Nov 24:

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

All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 3 Mar 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, ARPC/DPAM, dated 5 May 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 10 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.

12/5/2024

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