



Work-Product

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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2024-00874

COUNSEL Work-Product

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, issued on 2 Aug 02, be corrected to reflect he served in the Regular Air Force (RegAF) versus the United States Air Force Reserve (USAFR).

### APPLICANT'S CONTENTIONS

He served in the Air Force as both an enlisted and officer service member. His DD Form 214 issued for his enlisted service correctly shows he served in the RegAF. However, his DD Form 214 issued for his officer service incorrectly shows he served in the USAFR.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a former USAFR captain (O-3).

On 17 Aug 95, according to DD Form 214, the applicant was honorably discharged from the RegAF for reason of Officer Training Program.

On 23 May 98, according to AF Form 133, *Oath of Office*, and USAFR Order Work-Pr... the applicant accepted a commission and was appointed as a Reserve of the Air Force, Ready Reserve, officer.

On 2 Aug 02, according to DD Form 214, provided by the applicant, he received an honorable service characterization for Completion of Required Service from the USAFR.

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

### AIR FORCE EVALUATIONS

AFPC/DPMSSR (Transitions) recommends denying the application. Law enacted in 1996 mandated all new officers be commissioned as Reserve officers and the Air Force would offer Regular appointments when they were selected for promotion to major (O-4). A change to public law precipitated by the 2005 National Defense Authorization Act (NDAA) required all new appointments to the Air Force be Regular commissions and all current Reserve commissioned officers on the Active Duty List (ADL) be transitioned to Regular status by 1 May 06. All active duty scrolls were submitted to the Offices of the Secretary of Defense on 1 Apr 06 for approval of

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

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the RegAF appointment. The applicant entered active service under a Reserve of the Air Force Appointment order, dated 23 May 98 and took the Oath of Office for a Reserve commission. The applicant's date of separation (DOS) was 2 Apr 02, prior to attaining the grade O-4 and he was not offered a RegAF appointment nor transitioned to the RegAF prior to his separation.

The complete advisory opinion is at Exhibit C.

AFPC/DPMLT (Accessions) recommends denying the application. The applicant was appointed as a USAFR officer on 23 May 98 in accordance with the Fiscal Year (FY) 1992 NDAA, which states: "after 30 Sep 96, all officers will initially be commissioned reserve officers". This law was precipitated by the FY 2005 NDAA, which required all new commissioned officers be appointed to the RegAF component and that all current USAFR commissioned officers on the ADL be transitioned to RegAF status by 1 May 06. All active duty scrolls were submitted to the Offices of the Secretary of Defense on 1 Apr 06 for approval of the RegAF appointment. Since the applicant's date of separation was 2 Apr 02, he was not offered a RegAF appointment and was not transitioned to the RegAF prior to separation.

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 13 Nov 24 for comment (Exhibit E), but has received no response.

### **FINDINGS AND CONCLUSION**

1. The application was not timely filed. The Board notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Department of the Air Force Instruction 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence. The Board does not find it in the interest of justice to waive the three-year filing requirement.
2. The applicant exhausted all other available administrative remedies before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DPMSSR and AFPC/DPMLT and finds a preponderance of the evidence does not substantiate the applicant's contentions. Specifically, the applicant was assigned to the correct Air Force component (USAFR) according to law at the time. The Board finds no evidence of an injustice or error in the applicant's commissioning to warrant granting relief. Therefore, the Board recommends against correcting the applicant's records.

### **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-2024-00874 in Executive Session on 19 Dec 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 6 Mar 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSSR, dated 30 Apr 24.
- Exhibit D: Advisory Opinion, AFPC/DPMLT, w/atch, dated 30 Oct 24.
- Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 13 Nov 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.

9/28/2025

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	Associate Director, AFBCMR
	Signed by: USAF