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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00971

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: YES

### APPLICANT'S REQUEST

He receive 50 Individual Duty for Training (IDT) points, no pay, for his 2014 Retention/Retirement (R/R) year in order to be credited with a satisfactory year of service.

### APPLICANT'S CONTENTIONS

He was erroneously removed from service by AFRC/SG after suffering an intense but brief brain infection. He was deeply frustrated with this poor decision and the arduous process taken to prove his ability to serve. He fully recovered and successfully challenged this decision at a Formal Physical Evaluation Board (FPEB) in 2016. He was just made aware of the AFBCMR process as a means to correct his record.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is an Air Force Reserve lieutenant colonel (O-5).

From 9 Nov 13 thru 8 Nov 14, according to AF Form 77, *Letter of Evaluation*, dated 28 Jan 15, the applicant was in a non-pay status.

On 2 Nov 15, according to AFPC/DPFDI memorandum, *Fitness Determination - <applicant>*, the Informal Physical Evaluation Board (IPEB) found the applicant unfit to perform the duties of his office, grade, rank, and rating for the following diagnosis: Brain Abscesses with Shunt Dependent Hydrocephalus.

On 3 Nov 15, according to ARPC/DPTTS memorandum, *Informal Physical Evaluation Board (IPEB) Findings*, the applicant was advised on the IPEB finding and he had the right to have his case reviewed by the Formal Physical Evaluation Board (FPEB).

On 13 Jan 16, according to AFPC/DPFDF memorandum, *Fitness Determination - <applicant>*, the FBEB recommended to ARPC/DPTTS the applicant be found fit and returned to duty.

On 6 Dec 24, according to the applicant's Point Credit Accounting and Recording System (PCARS) report, as of 14 May 24, he has been credited with 16 years of satisfactory service and 2085 total points towards retirement. In addition, it reflects he was credited with the following Active Duty (AD), Inactive Duty for Training (IDT), membership (MBR), and retirement points for R/R anniversary years from 2011 - 2016.

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

POC: [SAF.MRBC.Workflow@us.af.mil](mailto:SAF.MRBC.Workflow@us.af.mil)

R/R Year	AD	IDT	MBR	ECI	Retirement	Satisfactory (Year)	Service
15 May 11 – 14 May 12	13	24	15	39	91	010000	
15 May 12 – 14 May 13	13	24	15	0	52	010000	
<b>*15 May 13 – 14 May 14</b>	<b>0</b>	<b>0</b>	<b>15</b>	<b>0</b>	<b>15</b>	<b>000000</b>	
15 May 14 – 14 May 15	21	24	15	0	60	010000	
15 May 15 – 14 May 16	13	24	15	0	52	010000	

**\*Unsatisfactory Years**

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

### APPLICABLE AUTHORITY/GUIDANCE

Air Force Instruction 36-2254 Vol 1, *Reserve Personnel Participation*, 26 May 10.

#### 1.6. Medical Qualifications.

1.6.1. All members must meet the medical standards in AFI 48-123, *Medical Examinations and Standards*, Volume I, and applicable Reserve medical guidance to be considered medically qualified to participate in any pay or point gaining activity.

2.2. Crediting Points and Satisfactory Federal Service. Award one point for each day of AD. Award one point for 4 hours of IDT, not to exceed two points per calendar day. AFIADL determines the number of study hours awarded for AFIADL courses, and normally awards one point for each 3 study hours. Membership points are credited, up to 15 points (prorate points for periods less than a year) for active Reserve status for each R/R year. ***Points may only be credited to the date a member actually performed the duty***, except in those activities where the cumulative method is authorized, such as telecommuting.

### AIR FORCE EVALUATION

ARPC/DPTSP recommends denying the applicant's request. Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice. The Point Management Team researched his military service record and documentation and found he had an unsatisfactory year of service towards retirement in his 2013-2014 anniversary year and there is no documentation to award additional points other than what is reflected in his record. In addition, the applicant provided no additional supporting documentation showing participation during this time period.

According to Air Force Manual 36-2136, *Reserve Personnel Participation*, Chapter 2, paragraph 2.2, "Points may only be credited to the date a reservist actually performed duty..." Additionally, according the same reference, paragraph 2.3.3., "Award a year of satisfactory federal service for retirement when a reservist earns a minimum of 50 points (including membership points) in their full Retention/Retirement year..."

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 20 May 24 for comment (Exhibit D), and the applicant replied on 30 May 24. In his response, the applicant contended that the advisory failed to take into account that due to the IPEB findings and limitations within the IPEB Notification Letter, he was not allowed to actively participate in FY2014. Furthermore, his travel and participation in the FPEB was personally funded and ultimately, AFRC/SG was in error.

The applicant's complete response is at Exhibit E.

## ADDITIONAL AIR FORCE EVALUATION

AFRC/A1KK 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 had a medical issue for which he was denied a Participation Waiver in 2014 due to the required fitness for duty processing for further military service. According to the governing directive in place at the time, Air Force Instruction 36-2254 Vol 1, *Reserve Personnel Participation*, paragraph 1.6.3 "A member identified as having a potentially disqualifying condition in accordance with AFI 48-123, attachment 2 notated on an AF Form 469, *Duty Limiting Condition Report*, by any Air Reserve Component (ARC) or AD medical squadron will not be allowed to participate in any pay or point gaining activity until the disqualifying condition has been removed or an approved waiver is received from AFRC/SG in accordance with AFI 48-123. Any IDT which is missed due to this medical limitation will be considered excused. Member will be excused from any type of military duty requirements until the profile has been finalized by AFRC/SGP or removed. When applicable, the Personnel Data System (PDS) will be updated to reflect the member as excused." In addition, it is the opinion of AFRC/SGP that there is not enough evidence to overturn the denial of the 2014 Participation Waiver.

The complete advisory opinion is at Exhibit F.

## APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION

The Board sent a copy of the additional advisory opinion to the applicant on 4 Nov 24 for comment (Exhibit G), and the applicant replied on 13 Dec 24 (Exhibit H). In his response, he contends the FPEB found his medical separation by AFRC/SG to be a mistake that cost him 179 mandays as well as a "good year" towards his retirement. Furthermore, he believes this should not be an AFRC/SG decision and as they may or may not provide useful counsel, leaving an official military records determination to the discretion of medically trained individuals is laziness on the part of AFRC/A1K personnel.

The applicant's complete response is at Exhibit H.

## 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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFRC/A1KK and finds a preponderance of the evidence does not substantiate the applicant's contentions. While he contends he was erroneously removed from service by AFRC/SG, the Board disagrees. The

applicant had a medical issue for which he was denied a Participation Waiver in 2014 due to the required fitness for duty processing for further military service. The Board determines applicant, in accordance with the governing directive in place at the time, was not allowed to participate in any pay or point gaining activity until the disqualifying condition has been removed or an approved waiver was received from AFRC/SG. Further, the Board finds that the applicant's situation to be no different from similarly situated officers. Therefore, the Board recommends against correcting the applicant's records.

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-2024-00971 in Executive Session on 14 Jan 25:

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 17 Mar 24.

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

Exhibit C: Advisory Opinion, ARPC/DPTSP, w/atchs, dated 14 May 24.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 20 May 24.

Exhibit E: Applicant's Response, w/atchs, dated 30 May 24.

Exhibit F: Advisory Opinion, ARPC/AIKK, dated 4 Nov 24.

Exhibit G: Notification of Advisory, SAF/MRBC to Applicant, dated 5 Dec 24.

Exhibit H: Applicant's Response, w/atchs, dated 13 Dec 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.

4/2/2025

X

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Board Operations Manager, AFBCMR

Signed by:

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**AFBCMR Docket Number BC-2024-00971**

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