



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01082

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

1. Special Order **Work-Product** dated 10 January 2008 be corrected to reflect Title 10 status rather than Title 32 status.
2. Order Number **Work-Product** dated 20 July 2010 be corrected to reflect Title 10 status rather than Title 32 status.

APPLICANT'S CONTENTIONS

The authority code listed on the contested orders is incorrect. The orders were for formal training school courses (Undergraduate Flying Training (UFT) pipeline courses) which are clearly inconsistent with 32 USC 503 "Field Exercises" dealing with "encampments, maneuvers, outdoor target practice, or other exercises." The orders should have been written under authority 10 USC 12301(d) IAW the Workday Guidance Memos from Fiscal Year 2008 (FY08) thru FY10 issued by the National Guard Bureau (NGB). While the FY08 memo does not specifically mention authority codes, FY09 and FY10 memos (during which most of these orders took place and the final amendments were written) explicitly specify Title 10 for UFT orders.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air National Guard major (O-4).

Special Order **Work-Product** dated 10 January 2008, reflects "Type of Duty/Authority: School Military Status 32 USC 503, AFH 10-416 & ANGI 36-2001; Purpose: Attendance of – Course Name/Number: PV4AN/PHASE I & PHASE II, T-37 PREFLT AND PRIMARY (INITIAL); Itinerary: 20 January 2008 – 30 September 2008 (From CA to TX)."

Order Number **Work-Product** dated 20 July 2010, provided by the applicant reflects "Type of Duty/Authority: School Military Status (Title 32) 32 USC 503, AFH 10-416 & ANGI 36-2001; Purpose: Attendance of – Course Name/Number: PV4AN/PHASE I & PHASE II, T-37 PREFLT AND PRIMARY (INITIAL); Itinerary: 20 January 2008 – 30 September 2008 (From CA to TX)."

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

NGB/A1D recommends denying the application. Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice. The applicant provided the following orders for consideration:

Special Order **Work-Product** (dated 10 January 2008) 20 January 2008 – 30 September 2008 – Attendance at PV4AN/PHASE I & PHASE II, T-37 PREFLT AND PRIMARY (INITIAL).

Modification of Special Order **Work-Product** (dated 20 July 2010) 20 January 2008 – 30 April 2010 – Attendance at PV4AN/PHASE I & PHASE II, T-37 PREFLT AND PRIMARY (INITIAL).

In reviewing the pertinent facts, a review of applicable NGB/A1D workday guidance was conducted. NGB/A1D workday guidance directs whether formal school training orders, to include Undergraduate Flying Training and Undergraduate Navigator Training, should be issued under Title 10 or Title 32.

Based on a complete review of the applicable workday guidance, the change to issue formal school training orders for Undergraduate Flying Training as Title 10 did not appear until the FY09 Workday Guidance. Prior to FY09 Workday Guidance, all formal schools flying training orders were issued in Title 32 status. The original order provided by the applicant (Special Order **Work-Product**) was issued prior to FY09. A modification of the original order was completed on 20 July 2010. Despite the modification being completed in FY10, the authority of the order still reverts to when originally issued (10 January 2008). Again, this original order was issued prior to FY09 and was issued correctly as a Title 32 order.

Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error on orders provided by the applicant.

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 June 2024 for comment (Exhibit D), and the applicant replied on 24 June 2024. In his response, the applicant contended the advisory states he has presented no evidence of an error or injustice. This is patently false. He provided his orders **Work-Product** which cite an incorrect authority code of 32 USC 503, the text of which I will restate below in full:

32 U.S. Code § 503 - Participation in field exercises: (a)(1) Under such regulations as the President may prescribe, the Secretary of the Army and the Secretary of the Air Force, as the case may be, may provide for the participation of the National Guard in encampments, maneuvers, outdoor target practice, or other exercises for field or coast-defense instruction, independently of or in conjunction with the Army or the Air Force, or both; (2) Paragraph (1) includes authority to provide for participation of the National Guard in conjunction with the Army or the Air Force, or both, in joint exercises for instruction to prepare the National Guard for response to civil emergencies and disasters; (b) Amounts necessary for the pay, subsistence, transportation, and other proper expenses of any part of the National Guard of a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands participating in an exercise under subsection (a) may be set aside from funds allocated to it from appropriations for field

or coast-defense instruction; (c) Members of the National Guard participating in an exercise under subsection (a) may, after being mustered, be paid for the period beginning with the date of leaving home and ending with the date of return, as determined in advance. If otherwise correct, such a payment passes to the credit of the disbursing officer.

The purpose of order **Work-Product** Undergraduate Flying Training (formal school), is plainly inconsistent with section 503 of the U.S. Code which pertains to participation in field exercises. A formal school is decidedly not a field exercise, and citing such authority on said orders is clearly an error.

The applicant's complete response is at Exhibit E.

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 NGB/A1D and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board notes prior to the FY09 Workday Guidance, all formal schools flying training orders were issued in Title 32 status. The original order (Special Order **Work-Product**) was issued prior to FY09. A modification of the original order was completed on 20 July 2010. Even though the modification was completed in FY10 the authority of the order goes back to when it was originally issued on 10 January 2008 prior to FY09. 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-2024-01082 in Executive Session on 10 December 2024:

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 21 March 2024.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, NGB/A1D, w/atch, dated 11 June 2024.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 20 June 2024.
- Exhibit E: Applicant's Response, dated 24 June 2024.

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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

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