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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01302

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COUNSEL: NONE

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(APPLICANT) HEARING REQUESTED: YES

APPLICANT'S REQUEST

The deceased service member's record be corrected to reflect 20 years satisfactory service toward retirement and his family be awarded survivor benefits.

APPLICANT'S CONTENTIONS

Her deceased spouse's record reflects he is missing six points of the required 50 points for the Retention/Retirement (R/R) year to have a satisfactory year. After verifying with his Reserve office, it was discovered that multiple days he worked were not accounted for. These days accounted for an additional 20 points, which would have been more than sufficient to qualify him for a satisfactory year and eligible for retirement.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is the widow of a deceased Air Force Reserve (AFR) master sergeant (E-7).

On 5 Sep 19, according to AF Form 1411, *Extension of Enlistment in the Air Force*, the service member requested his current enlistment be extended for 16 months for the purpose of an assignment. The request was approved, and his enlistment was extended to 5 Jul 23.

On 13 Dec 22, according to a Death Certificate, provided by the applicant, the service member died.

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

APPLICABLE AUTHORITY/GUIDANCE

Title 10 United States Code Section 12731 (10 U.S.C. § 12731), *Age and service requirements*, (a) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person (1) has attained the eligibility age applicable under subsection (f) to that person; (2) has performed at least 20 years of service computed under section 12732 of this title.

10 U.S.C. § 12732 - *Entitlement to retired pay: computation of years of service*, (2) Each one-year period, after 1 Jul 49, in which the person has been credited with at least 50 points.

AFBCMR Docket Number BC-2024-01302

Work-Product

Work-Product

Department of Defense Instruction (DoDI) 1215.07, *Service Credit for Non-Regular Retirement*, paragraph 3.1. *Criteria for Establishing the Service Requirement for a Satisfactory Year of Service for Non-Regular Retirement*, "...a qualifying year of service for non-regular retired pay is a full year during which a member of an Active or Reserve component is credited with a minimum of 50 retirement points. An accumulation of 20 such years, except as otherwise provided by law, is only one requirement necessary to qualify for non-regular retired pay. A partial qualifying year is any period less than 12 full months in which the retirement points credited to a service member, when computed proportionally, are equal to or greater than 50 retirement points."

Department of the Air Force Instruction (DAFI) 36-3203, *Service Retirements*, Chapter 3, paragraph 3.1.2: Reserve Retirement Eligibility 10 U.S.C. § 12731 establishes that Air National Guard (ANG) or AFR members must have at least 20 years of creditable years to qualify for a reserve retirement. Members serving on active duty who have completed 20 years of creditable years through a combination of active duty and Reserve service also qualify for a Reserve retirement even though the member may not have enough total active military service to qualify for an active duty retirement. Members on active duty desiring a Reserve retirement must resign (officers) or separate (enlisted) from the active component and request appointment to (officers) or entry into (enlisted) the Air Reserve Component before a Reserve retirement may be requested and approved. Members must apply for Reserve retired pay if the members have attained the eligibility age at which the member is eligible for and qualifies for Reserve retired pay and have performed at least 20 creditable years. A creditable year is defined as earning 50 points within an individual's established Retention and Retirement year per Air Force Manual (AFMAN) 36-2136, *Reserve Personnel Participation*, paragraph 2.3.2.

10 U.S.C. § 1448(a)(2)(B). "Participants in the plan. The Plan applies to the following persons, who shall be participants in the Plan: ... Reserve component annuity participants. A person who (i) is eligible to participate in the Plan under paragraph (1)(B), and (ii) is married or has a dependent child when he is notified under section 12731(d) of this title that he has completed the years of service required for eligibility for Reserve component retired pay, unless the person elects (with his spouse's concurrence, if required under paragraph (3)) not to participate in the Plan before the end of the 90-day period beginning on the date on which he receives that notification."

DoD 7000.14-R, *Financial Management Regulation*, Vol 7B, Chapter 540401. "Any member who is notified of his or her completion of the years of service required for retired pay eligibility for non-regular retirement may elect to participate in RCSBP before the end of the 90-day period. A member who is married or has a dependent child, and who receives notice of eligibility for retired pay, after 1 Jan 01, is automatically an immediate participant in RCSBP unless the member elects (with spousal concurrence, if required) not to participate or to defer the decision or delay coverage before the end of the 90-day period."

AIR FORCE EVALUATION

ARPC/DPTT (Transition Division) recommends denying the application. Based on a review of the provided documentation and analysis of the facts, there is no evidence of an error or injustice. In accordance with 10 U.S.C. § 12731 and DAFI 36-3203, paragraph 3.1.2., ANG and AFR members must have at least 20 years of creditable years to qualify for a Reserve retirement. The decedent's military personnel record was reviewed by ARPC Points Management Section and Retirement Eligibility Section, and his service history was updated to reflect 19 years, 6 months, and 24 days of satisfactory service making him ineligible for a Reserve retirement.

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 4 Oct 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 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 ARPC/DPTT and finds a preponderance of the evidence does not substantiate the applicant's contentions. DoDI 1215.07 requires service members to earn at least 50 points as well as complete a full R/R year to earn a satisfactory year of service. While it appears the deceased service member completed the required number of points during the R/R year in question, he only received a partial year of creditable service, totaling 19 years, 6 months, and 24 days because he did not complete his full R/R year. Consequently, the applicant is not eligible for survivor benefits under RCSBP in accordance with 10 U.S.C. § 1448. The deceased member's service to his country is noted; however, without evidence to substantiate he completed the satisfactory years of service to qualify for retired pay the Board is unable to recommend relief. 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 DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2024-01302 in Executive Session on 23 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 4 Apr 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, ARPC/DPTT, w/atchs, dated 26 Sep 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 4 Oct 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.

AFBCMR Docket Number BC-2024-01302

Work-Product

2/19/2025

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AFBCMR Docket Number BC-2024-01302

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