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UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF: [redacted]

DOCKET NUMBER: BC-2024-01501

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His debt of $46,189.69 from his commitment to the United States Air Force Academy (USAFA) be removed.

APPLICANT'S CONTENTIONS

AFPC authorized his early separation date with no remaining obligation. He did not request this separation date of 11 May 21, but instead requested a 24 May 22 separation date. Both his DD Form 214, *Certificate of Release or Discharge from Active Duty*, and the AF IMT 100, *Request and Authorization for Separation*, indicated he did not have a military service obligation nor was he informed prior to separation of an incurred debt due to the early separation. Because of a software bug, he was not able to request the separation date of 24 May 22 and was told by the Total Force Serving Center to provide a comment stating what he wanted his separation date to be and to submit his application with a date as far out as the system would allow which was 12 months. He needed to request a voluntary separation 23 months in advance due to a new assignment which would have extended his service time seven months past his ADSC of 24 May 22.

Per AFI 36-3207, *Separating Commissioned Officers*, it was the responsibility of AFPC and his unit's Military Personnel Flight (MPF) to identify his active duty service commitment (ADSC) was beyond his separation date and to revoke the orders prior to separation with the correct separation date to match his ADSC date. He was not authorized to separate before his ADSC unless an exception to policy was approved and he was not informed he would incur a debt due to this separation date as required per AFI. Because his application for separation was approved for 11 May 21 without regard to his request or the AFI, he assumed he no longer had an ADSC and due to the needs of the Air Force he was being separated early.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force first lieutenant (O-2).

On 27 Jun 13, USAFA Form O-205, *Record of Acceptance, Obligation, Reimbursement, and Oath of Allegiance*, indicates the applicant acknowledged he was required by law to serve in a military status (on active duty or in a Reserve component) for a total of eight years unless sooner discharged on grounds of personal hardship.

Dated 20 Mar 17, USAFA Form 0-112, *Request and Authorization for Permanent Change of Station – Air Force Military*, indicates the applicant was to report to his first duty station no later than 26 Jul 17. In the remarks section, it is noted under general instructions, the applicant would incur a five-year ADSC upon graduation from a military service academy.

On 2 Sep 20, the Secretary of the Air Force accepted the resignation of the applicant under the seven-day option rule tendered on 9 Jul 20 and directed upon completion of his Air Force Academy service obligation, effective 24 May 22, he be honorably discharged.

Last updated on 9 Sep 20, according to the applicant's Voluntary Separation Application, his requested date of his separation was annotated as 11 May 21. However, in the justification block, it is noted the applicant's actual requested separation date was 24 May 22 but was further in the future than the 12 months the system allowed. He was submitting this application in order to execute his seven-day option per AFI 36-2110, *Total Force Assignments*. His new report no later than date for his new assignment would have incurred an additional seven months past his ADSC. He acknowledged he understood if he separated per his request before completing the period of active duty he agreed to serve, he may be subject to recoupment of a portion of education assistance, special pay, or bonus money received. Under the Base Personnel Office (BPO) section his voluntary separation was approved with a separation date of 11 May 21 with comments noting his approved date would be updated in the system within 10 business days and instructed the applicant to proceed to myPers to complete a separation briefing, pre-separation order worksheet, and the DD Form 214 worksheet.

On 12 Mar 21, AF IMT 100 indicates the applicant's separation date was effective 11 May 21. It is further noted in block 10, the applicant did not have a military service obligation date.

On 24 May 17, DD Form 214 reflects the applicant was honorably discharged in the grade first lieutenant (O-2) after serving 3 years, 11 months, and 18 days of active duty. He was discharged, with a narrative reason for separation of "Completion of Required Active Service."

On 24 Jun 23, the applicant's request for remission of his remaining academy debt was denied. The denial letter noted the applicant's evidence was insufficient to demonstrate collection of this debt was unjust, inequitable, or created an undue hardship. It was further noted the applicant was aware of the obligation to repay a part of his scholarship if he separated before he fulfilled his ADSC and he should have questioned the approved separation date immediately as it contradicted the date he requested. He assumed no recoupment action would be taken because of the earlier date of separation approval; however, he was fully aware of the commitment he needed to fulfill and the expiration date of his ADSC.

On 31 Dec 23, the applicant's appeal to the remissions board was denied. The board noted the applicant's contention he had no experience with the policies and procedures governing separation and numerous errors were made which led him to believe his approved separation overrode his commitment to complete his ADSC with no further obligations; however, the board remained unconvinced the evidence presented demonstrated his debt should be remitted.

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

AIR FORCE EVALUATION

AFPC/DPMSSR recommends denying the application. The applicant submitted a separation application where he put the date 11 May 21 as the requested date of separation (DOS); however, in the remarks section of the application, he indicated he really wanted to separate at the expiration of his ADSC of 24 May 22. There is USAFA documentation in the applicant's record where he was informed separation prior to completion of the ADSC could be subject to recoupment and on the separation application itself, there are two statements of understanding where the applicant acknowledged he reviewed, which talk about recoupment of a portion of education assistance (which includes time spent in the service academy), special pay, or bonus money received if separated prior to completing the ADSC. The separations technician approved the applicant's DOS of 11 May 21 instead of reviewing the remarks section of the application. This was an error on the part of the AFPC technician. The applicant would have received the notice of separation approval reflecting the date of separation approved as 11 May 21, which was a date he selected to move his application along, but a date he knew he did not want and a date that would not allow him to complete his ADSC. Furthermore, the applicant could have inquired about the erroneous DOS at any time prior to the approval, but no record of inquiries was found. Finally, the applicant could have addressed the DOS discrepancy with his MPF prior to final out-processing and departure from the base.

The applicant seemed to understand the consequence of his separating a year earlier than his ADSC, which is why he requested to separate on his ADSC in the remarks section. As soon as he was approved for the specific date he put on his application versus what he requested in the remarks, he should have been inquiring with his unit commander's support staff, his base MPF, or HQ AFPC Separations as to the accuracy of the approval. Instead, he completed his Pre-Separation Order Worksheet (PSOW) to receive his separation orders and approximately two months later (not counting possible terminal leave taken), out-processed the base and departed. If not for the recoupment of the debt owed, the applicant would never have contacted anyone concerning an erroneous DOS. If his justification for not inquiring is due to thinking the ADSC (time and money) was automatically being waived, there is nothing in his approval notification or information sent to him stating this was happening or he would not incur a debt.

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 7 Feb 25 for comment (Exhibit D) and the applicant replied on 10 Feb 25. In his response, the applicant contends the debt is the result of seven errors by the Air Force. The voluntary separation application software did not allow entry of a DOS in accordance with his ADSC in executing his 7-day option; AFPC personnel erroneously assigned a DOS he did not request or was qualified to request; he was not advised by his commander, supervisor, or MPF he could be subject to recoupment; his separation authorization states he had no MSO date; his active duty discharge states he completed his required active service; and AFPC failed to retract his approved DOS and the MPF failed to revoke the orders while processing the separation request, both of which are required. He was not made aware of his DOS until Oct 20 and he did not remember the date of 11 May 21 was the date he marked at the top. He thought he was being separated early due to the needs of the Air Force as described in policy and believed his remaining obligation was being waived due to the Separation Authorization stating he had no MSO date.

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 AFPC/DPMSSR and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board acknowledges there was an error when AFPC erroneously determined his date of separation; however, the applicant knew he had a financial obligation regarding his USAFA attendance and knew the date his ADSC would expire. The Board finds his reasons for not questioning the early separation date, which he was informed of several months before he was discharged, do not excuse or mitigate the debt he owes. The Board finds the applicant knew the early separation date was incorrect and it was his responsibility to question this date. 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-2024-01501 in Executive Session on 19 Feb 25 and 19 Mar 25:

[redacted], Panel Chair
[redacted], Panel Member
[redacted], Panel Member
[redacted], Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 21 Apr 24.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, AFPC/DPMSSR, dated 5 Feb 25.
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 7 Feb 25.
Exhibit E: Applicant's Response, dated 10 Feb 25.

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.

4/4/2025

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Board Operations Manager, AFBCMR
Signed by: USAF