



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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01524

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His Date of Rank (DOR) to the grade of major be backdated from 27 May 22 to 1 Oct 20.

APPLICANT'S CONTENTIONS

He is a victim of an error and injustice as his DOR to major should be 1 Oct 20, the same date he was appointed in the Air Force Reserve (AFR) as an Active Guard Reserve (AGR). He met an Air Force active duty promotion board and was selected for promotion to the grade of major. However, he separated from active duty prior to being promoted and was accessed into the AFR without a break in service making him eligible for an Active Status List (ADL) to Reserve Active Status List (RASL) promotion transfer. He submitted the ADL to RASL promotion transfer request which was approved by the Secretary of Defense (SecDEF), with a reserve projected date of promotion of 16 Dec 22.

The initial verbal agreement for taking the AGR position when he crossed over from 21 years of active duty to the AFR was that his active duty selection for promotion to major would be part of the AGR appointment order which would have given him a DOR to major of 1 Oct 20. However, his commanders were not aware of the ADL to RASL process and that due to the seven (7) year time in grade (TIG) requirement for reserve officers to be promoted to major, the earliest he could have been promoted was 16 Dec 22. He was finally promoted to major with a DOR of 27 May 22.

This error needs to be corrected so he can retain the grade of major upon retirement.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force Reserve major (O-4) awaiting retired pay at age 60.

On 30 Sep 20, according to his DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant was honorably separated from active duty in the grade of captain (O-3) and transferred to the Air Force Reserve. He was credited with 21 years, 1 month, and 12 days of active service.

On 1 Oct 20, according to Reserve Order [REDACTED], dated 5 Oct 20, he was appointed as a Reserve of the Air Force in the grade of O-3.

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Controlled by: SAF/MRB

Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

According to Reserve Order [REDACTED], dated 22 Jun 22, he was promoted as a Reserve of the Air Force to the grade of major (O-4) with a DOR and effective DOR of 27 May 22.

On 31 Oct 24, according to Reserve Order [REDACTED], dated 17 Apr 24, he was relieved from assignment and transferred to the Retired Reserve effective 1 Nov 24 with the retired pay grade of major (O-4). He was credited with 25 years, 2 months, and 12 days of active service for retirement.

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

APPLICABLE AUTHORITY/GUIDANCE

Title 10, United States Code, §1370. Regular commissioned officers. (b) Retirement of Officers Retiring Voluntarily. (1) Service-in-grade requirement. In order to be eligible for voluntary retirement under any provision of this title in a grade above the grade of captain in the Army, Air Force, Marine Corps, or, Space Force or lieutenant in the Navy, a commissioned officer of the Army, Navy, Air Force, Marine Corps, or Space Force must have served on active duty in that grade for a period of not *less than three years*, except that -

- (a) Subject to subsection (c), the Secretary of Defense (SECDEF) may reduce such period to a period of not less than two years for any officer; and
- (b) In the case of an officer to be retired in a grade at or below the grade of major general or rear admiral, the SECDEF may authorize the Secretary of the military department concerned to reduce such period to a period of not less than two years.

AIR FORCE EVALUATION

ARPC/PB recommends denying the request. Based on the analysis of the facts and documentation provided by the applicant, there is no evidence of an error or injustice. The applicant states the injustice that occurred was his leadership was not informed of the ADL to RASL process, nor the fact they could accelerate the promotion to when he was assessed into the AFR. There is no evidence that has been provided to support this claim, as the ADL to RASL was submitted, approved, and the promotion to major was accelerated. The applicant's reason for this request to be eligible to retire in the grade of major versus captain is he does not meet the three year time in grade (TIG) requirement. He met and was selected for promotion to major by an active duty promotion board. Prior to being promoted, he separated from active duty and was accessed into the Reserve and per 10 USC § 14317(c), he was eligible for an ADL to RASL promotion transfer, which was approved by SECDEF with a Reserve projected promotion date of 16 Dec 22. This date is the earliest date he could have been promoted as, in accordance with AFI 36-2504, *Officer Promotion, Continuation, and Selective Early Removal in the Reserve of the Air Force*, Table 3.1, Time in Grade, Reserve officers promoting to major must have seven years time in grade. Since his DOR to captain was 16 Dec 15, the DOR to major, in the Reserve, would be 16 Dec 22. However, according to the applicant's Reserve promotion order, dated 22 Jun 22, he was promoted to major with a DOR of 27 May 22. This means his promotion was accelerated by his leadership.

The reason the applicant submitted this request is to allow him to retire in the grade of major, which he can do if he continues to serve in an active status until he reaches the required three years TIG.

The complete advisory opinion is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

[REDACTED]

The Board sent a copy of the advisory opinion to the applicant on 2 Jul 24 for comment (Exhibit D), and the applicant replied on 8 Jul 24. In his response, the applicant provided a memorandum from his then commander to support his claim. The memorandum states the applicant was not instructed, nor was he, the commander, informed by the recruiting staff on the applicant's benefit to backdate his promotion to major to the date he joined the AGR on 1 Oct 20. Additionally, he states he was also not informed of the requirement to add the applicant to the ADL to RASL. Lastly, he states although he is unable to locate the documentation to backdate the applicant's DOR, it was submitted via myPers approximately in Dec 21.

The applicant's complete response ins 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 ARPC/PB and finds a preponderance of the evidence does not substantiate the applicant's contentions. The applicant claims he should have been promoted to major on the same date he was accessed into the Air Force Reserve based on a verbal agreement. The Board disagrees and determines he has not provided sufficient evidence, or documentation, in which to support this claim. Further, while the Board notes his promotion to major was accelerated, the Board finds his initial projected promotion date to have been properly calculated in accordance with the criteria contained within AFI 36-2504. Based on the foregoing, the Board finds the applicant's situation to be no different than other similarly situated officers. Therefore, the Board recommends against correcting the applicant's record.

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-2024-01524 in Executive Session on 14 Jan 25:

[REDACTED], Panel Chair
[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 23 Apr 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, ARPC/PD, w/atchs, dated 26 Jun 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 2 Jul 24.

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[REDACTED]

[REDACTED]

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.

4/7/2025

X [REDACTED]

[REDACTED]

Board Operations Manager, AFBCMR

Signed by: [REDACTED]