



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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01796

COUNSEL: [REDACTED]

HEARING REQUESTED: YES

APPLICANT'S REQUEST

1. He be granted constructive service credit to qualify for a 20-year active duty retirement.
2. In the alternative, he be retired under the Temporary Early Retirement Authority (TERA).

APPLICANT'S CONTENTIONS

He was wrongfully denied reenlistment in 2017 due to a flawed Air Force Professional Military Education (PME) policy. In Apr 22, the BCMR acknowledged the Air Force Developmental Education policy, barring immediate reenlistment for failure to complete Course 15, was inequitable and corrected his record on that basis. The Board credited him with active service and upgraded his reenlistment code. He was on track to completing 20 years of active service. However, the Air Force's inequitable, and now obsolete, policy derailed his military career and ability to remain in the Air Force until 2023 in order to obtain 20 years for a regular retirement.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air National Guard (E-6) awaiting retired pay at age 60.

Effective 7 Feb 17, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, (Removed from record) the applicant was honorably discharged after serving 13 years, 10 months, and 13 days on active duty. The applicant was separated with a reentry (RE) code of "3G," which denotes "Airman who fail to complete and pass Basic Phase 2 and/or Basic Phase 3 EPME DLC within one year of notification." The narrative reason for separation was "Completion of Required Active Service" with the corresponding separation code of "KBK."

On 25 Aug 20, the applicant petitioned the Board, requesting service credit, an amended tax return and a DD Form 214 containing the appropriate RE code and narrative reason for separation.

On 27 Oct 20, the Board found the preponderance of the evidence supported partially granting his application. The Board granted the applicant service credit for the period of 8 Feb 17 to 28 Oct 18. The Board also recommended the applicant's RE code be changed to "1J," which denotes "Eligible to reenlist but elects separation" and issued a new DD Form 214. However, the Board denied his request to change his narrative reason for separation, finding the evidence did not

demonstrate a material error or injustice. The Board indicated the applicant's request for amended tax returns was outside the Board's purview.

For an accounting of the applicant's original requests and the rationale of the earlier decision, see the AFBCMR Letter and Record of Proceedings at Exhibit B.

On 15 Dec 22, DD Form 214, Block 12b, *Separation Date This Period*, was issued reflecting 28 Oct 18 as his separation date. Block 27, *Reentry Code*, was changed to reflect RE code "1J." The net active service this period reflects 15 years, 7 months and 4 days.

Effective 31 Jul 23, according to NGB Form 22, *National Guard Report of Separation and Record of Service*, the applicant was honorably discharged in the grade of E-6, with 13 years, 10 months and 13 days of prior active Federal service. His narrative reason for separation is "Transfer to the Retired Reserve List - Retirement Mandatory//Under Age 60."

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

APPLICABLE AUTHORITY/GUIDANCE

DoD 7000.14-R, Volume 7B, *Financial Management Regulation*, Chapter 3, paragraph 2.11, dated Sep 24, states in part that the TERA legislation provided the Secretary of Defense a temporary additional force management tool with which to affect the drawdown of military forces from 23 Oct 92 through 1 Sep 02. Congress amended that legislation and reinstated certain TERA provisions for the period beginning 31 Dec 11 and ending on 31 Dec 25.

AIR FORCE EVALUATION

ARPC/DPTT recommends denying the application. After corrections were made per the directive associated with this case, the applicant only had 16 years, 4 months and 1 day of Total Active Federal Military Service (TAFMS) towards a regular retirement. Per Title 10 U.S.C., Section 9314, the member must complete a full 20 years of TAFMS to be eligible for a regular retirement. The applicant does not have enough TAFMS to be eligible for a regular 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 24 Nov 24 for comment (Exhibit D), and the applicant replied on 19 Dec 24. In response, counsel contends the advisory does not discuss the Board's ability to correct records to reflect a constructive regular retirement date or TERA. In its previous decision, the Board noted the flawed Air Force EPME policy had quickly been revoked within a few short months after he was discharged. Due to the erroneously assigned "3G" RE code, he was prevented from reentering active service, and it took another five years to correct the erroneous code. Rather than walking away from military service after being denied reenlistment, he chose the next best option to continue his service, as a technician and/or mobilized Guardsman. By the time he retired from the Air National Guard, he had over 16 years creditable for Federal military service. The Air Force's defective policy forced him off continued active service. The policy, coupled with the defective module, created an injustice, as applied to him.

The applicant's complete response is at Exhibit E.

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[REDACTED]

[REDACTED]

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[REDACTED]

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 to warrant awarding additional service credit to qualify for a regular retirement. The Board has an abiding moral sanction to determine, insofar as possible, the true nature of an alleged injustice and to take steps to grant thorough and fitting relief. Based on the circumstances surrounding his separation in 2017, the Board finds the previous corrections to his record, which included approximately 1 year, 8 months and 20 days of active duty service credit, and a new DD Form 214 changing his RE code was more than sufficient and constitutes full and fitting relief. Regarding the applicant's alternate request to retire under TERA, as noted above, the TERA legislation provides the Secretary of Defense a temporary additional force management tool with which to affect the drawdown of military forces. The applicant has not provided substantial evidence to persuade us that he should be retired under TERA. 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-2024-01796 in Executive Session on 11 Mar 25:

Work-Product [REDACTED], Panel Chair
Work-Product [REDACTED], Panel Member
Work-Product [REDACTED], Panel Member

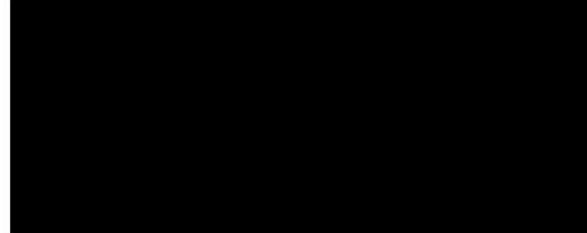
All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 17 May 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, ARPC/DPTT, w/atch, dated 12 Nov 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Counsel, dated 24 Nov 24.
- Exhibit E: Applicant's, Response, w/atchs, dated 19 Dec 24.

[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



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