

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01984

XXXXXXXXXX

COUNSEL: XXXXXXXXXXXXXXXX

HEARING REQUESTED: NO

APPLICANT'S REQUEST

1. His Date of Rank (DOR) to staff sergeant (E-5) be corrected to reflect 13 Jun 18.
2. His Time in Grade (TIG) be changed to reflect this correction.
3. He receive backpay, to include all entitlements and allowances due to this correction.

APPLICANT'S CONTENTIONS

His DD Form 4, *Enlistment/Reenlistment Document, Armed Forces of the United States*, dated 13 Jul 18, shows him enlisting as an E-5. However, he was demoted to E-3. He discovered this error during a recent records review, as he never "opened" the DD Form 4 that was in his record. He was never provided any documentation supporting a demotion and he was assured he would maintain his grade when he joined the Air Force. Had he known he would be demoted, he would not have enlisted due to the financial strain on his family. However, he had already signed the DD Form 4 when he learned of the demotion and he was unable to decline due to family obligations as he was no longer employed. He had to take a second job while attending Explosive Ordnance Disposal (EOD) school to make ends meet. This financial stress, as well as the loss in potential career progression and experience has led to the decline in his health over the past six (6) years.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force Reserve (AFR) staff sergeant (E-5).

On 18 Mar 14, according to his DD Form 214, *Certificate of Release or Discharge from Active Duty*, while then a member of the US Army, Army National Guard of the United States (ARMY/ARNGUS), he was honorably released from active duty for the period of 4 Apr 13 to 18 Mar 14 and was credited with 11 months and 15 days of net active service this period. Box 12d, *Record of Service, Total Prior Active Service*, reflects, four months and seven days.

On 15 May 15, according to State of XXX Adjutant General's Office Orders 167-014, dated 16 Jun 15, provided by applicant, he was promoted to Sergeant (E-5 (Army)) with a date of rank (DOR) and effective DOR of 15 May 15. Further, under the section *Additional Instructions*, it reflects the following:

- Promotion is not valid and is not effective if the Soldier is not in a promotable status on the effective date of promotion.

- An earlier effective date has been approved per AR 600-8-19, *Enlisted Promotions and Demotions*, paragraph 7-7c.
- Acceptance of this promotion incurs a service remaining obligation per AR 600-8-19, paragraph 7-8.
- This promotion is conditional on the Soldier completing the required Noncommissioned Officer Education System for the graded promotion. If the soldier fails to successfully complete, fails to remain eligible for, is denied enrollment in, or does not attend his/her scheduled NCOES class (through fault of the soldier) within the required time, the Soldier will be administratively reduced IAW AR 600-8-19, paragraph 10-18.

On 24 Sep 16, HQ USAF/A1P memorandum, *Prior Service Enlistment Guide*, was published and provides the following:

“Effective 1 Oct 16, Prior Service Air Force members enlisting or transferring across Air Force components will maintain their current rank as long as they met the qualifications outlined in AFI 36-2502, *Airman Promotion/Demotion Programs*, Table 2.1.”

“The minimum Total Active Federal Military Service [TAFMS] requirements to maintain enlistment grade for non-Air Force members not currently serving in an Air Force component are:

E-4 – 3 years
 E-5 – 5 years and 6 months
 E-6 – 10 years.”

On 13 Jul 18, according to DD Form 4, *Enlistment/Reenlistment Document*, *Armed Forces of the United States*, the applicant enlisted in the Air Force for four years in the pay grade of E-5. On that same date, he signed AF Form 3006, *Enlistment Agreement – Prior Service/Active USAFR/ANG United States Air Force*, which reflects in Section 1, *Terms of Enlistment Agreement*, Box A, *Term of Enlistment Pay Grade*, “My enlistment in the Regular Air Force (RegAF) is for 4 years active duty. I have been counseled on the six-year enlistment program and enlistment grade policy. I am enlisting in pay grade E-5.”

On 13 Jul 18, according to Department of Defense, Military Entrance Processing Station, Orders 8194001, dated 12 Jul 18, reflects the following: Personal Data: A1C (E-3) <applicant> DOE [date of enlistment] 13 Jul 18; DOR 13 Jul 18.

On 29 Apr 22, according to DD Form 214, he was honorably discharged from active duty in the grade of senior airman (E-4) and was credited with 3 years, 9 months, 17 days of net active service this period.

On 30 Apr 22, according to DD Form 4, dated 30 Apr 22, he enlisted in the Air Force Reserve for a period of three (3) years in the pay grade of E-4.

According to Reserve Order XXXX, he was promoted to the permanent grade of staff sergeant (E-5) with a DOR and effective DOR of 1 Sep 22.

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

AIR FORCE EVALUATION

AFPC/DPMLT recommends denying the request. Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice. When the applicant enlisted in the Air Force on 12 July 13, his Enlistment Order accurately reflects his grade as airman first class (A1C/E-3), which is in compliance with the Prior Service Enlistment Grade Memorandum that states to maintain an enlistment grade for non-Air Force members not serving in an Air Force component, the Total Active Federal Military Service (TAFMS) requirement for E-4 is three years and for E-5 is five years and six months. The applicant's first DD Form 214 from the US Army identifies he completed four months and seven days of Total Prior Active Service. The applicant did not have five years and six months of TAFMS as of 12 Jul 18 in order to retain the grade of E-5.

To grant relief would be contrary to the criteria established by law and/or Department of Defense guidance in effect at the time: HQ USAF/A1P Memorandum, *Prior Service Enlistment Grade*.

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 8 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 AFPC/DPMLT and finds a preponderance of the evidence does not substantiate the applicant's contentions. The applicant contends he enlisted in the Regular Air Force in the grade of E-5/SSgt; however, the Board disagrees. The Board notes the applicant's enlistment orders dated 12 Jul 18, reflect his grade of (E-3/A1C) with a DOR of 13 Jul 18. Further, the Board notes when he separated from active duty in Apr 22, his DD Form 214, *Certificate of Release or Discharge from Active Duty*, reflect his grade of E-4/SrA). Additionally, the Board notes the day following his separation from the Regular Air Force, he enlisted in the AFR in the grade of E-4/SrA. As such, the Board finds, in accordance with the governing directive in place at the time of his enlistment in the Regular Air Force, his grade of (E-3/A1C) as reflected on his enlistment order to be correct. 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-2024-01984 in Executive Session on 11 Mar 25:

, Panel Chair
, Panel Member
, Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 30 May 24.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, AFPC/DPMLT, w/atchs, dated 7 Oct 24.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 8 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.

X

Board Operations Manager, AFBCMR