



[REDACTED]

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

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2024-02004

[REDACTED]

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

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**APPLICANT’S REQUEST**

The applicant’s Temporary Duty (TDY) orders be corrected to reflect that, “SAF/MR issued a memo on 20 September 2018 that authorized per diem beyond 180 consecutive days through 30 September 2020 for Air National Guard (ANG) members who arrived in Temporary Duty (TDY) status as early as 25 March 2018 through arrival date of 15 August 2019 in support of the Southwest Border (SWB) mission and were called to active duty under Title 32 United States Code (U.S.C.) §502(f)(2). SAF/MR’s decision is pursuant to Joint Travel Regulation (JTR), paragraph. 030302-B2c4, exigency of the Air Force.”

**APPLICANT’S CONTENTIONS**

He was called to active duty in support of the SWB mission on 5 July 2018 and was TDY beyond 180 consecutive days (through 30 September 2020); however, he was omitted from the group Air Force Board for Correction of Military Records (AFBCMR) case outlined in the “Secretary of the Air Force (SAF) Group Application Waiver Air National Guard (ANG) Southwest Border Mission AFI 36-2603, *Air Force Board for Correction of Military Records*, 3.10.2, Summary of Facts and Circumstance.” This was possibly due to being dropped from a "data pull" as outlined in attached emails. NGB/A1XR and NGB/FM reviewed his records and determined that he should have been included in the group application but was not. He has since been instructed to file individually and is requesting relief as one of the ANG members who will be subject to a debt action if his record is not corrected.

The applicant’s complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is an ANG lieutenant colonel (O-5).

On 15 February 2019, “Presidential Proclamation on Declaring a National Emergency Concerning the Southern Border of the United States” was issued and the ANG was ordered by the Secretary of Defense (SecDef) via an Execution Order (EXORD), dated April 2018 that directed and authorized the Chief of the National Guard Bureau (CNGB) to "provide defense support to Department of Homeland Security (DHS) for securing the southern border."



[REDACTED]

On 20 September 2018, the CNGB signed a memorandum erroneously approving TDY travel in excess of 180 days for all National Guard service members who were supporting the SWB mission. The memorandum had an expiration date of 30 September 2019.

On 4 September 2019, the CNGB signed a subsequent memorandum erroneously approving TDY travel in excess of 180 days for all National Guard service members who were supporting the SWB mission. The memorandum had an expiration date of 30 September 2020.

On 9 September 2020, the Secretary of the Air Force (SecAF) submitted a memorandum for SAF/MRB requesting correction of military records on behalf of a group of ANG members. The memorandum specifically states that “52 members performed extended temporary duty for more than 180 consecutive days at one location in support of a mission at the southwest border. The CNGB issued memoranda that authorized per diem extensions in the absence of authority as required by the Joint Travel Regulations. Based on the error, there is a basis to request correction of the military record (temporary duty order). It would be an injustice for these members to incur a debt if the record is not corrected.”

On 12 January 2021, the AFBCMR considered and approved the group application, and a directive was issued that authorized these members per diem beyond 180 consecutive days.

On 20 September 2020, according to a modification of Order Number [Work-Product] originally dated 9 July 2018, provided by NGB/A1XR, the applicant was placed on TDY orders in support of the SWB mission from 5 July 2018 through 30 September 2020.

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

### **AIR FORCE EVALUATION**

NGB/A1XR, recommends granting the application. The applicant was called to duty on 5 July 2018 in execution of DoD’s support of the SWB mission in accordance with the President’s directive. The applicant’s orders were modified several times, and his final duty period reflected 5 July 2018 through 30 September 2020. Along with other ANG service personnel supporting the SWB mission, the applicant received TDY per diem waiver to cover his duty that exceeded 180 days; however, this waiver was issued erroneously by the CNGB who was not a delegated approval authority for such a waiver. To correct this error a group application was submitted to the AFBCMR requesting that 52 known members affected receive relief by authorizing that SAF/MR issued a memorandum that authorized per diem beyond 180 consecutive days for members who arrived in a TDY status in support of the SWB mission. While the group application was approved, the applicant was missed during the original records review and was not included in the original group application for per diem waver via Secretarial authority.

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 29 January 2025 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 the victim of an error or injustice. The Board concurs with the rationale and recommendation of NGB/A1XR and finds a preponderance of the evidence substantiates the applicant’s contentions. The Board notes the CNGB never received the designation to approve TDY orders for 181 or more consecutive days in accordance with Joint Travel Regulation (JTR) Table 1-7; however, the Board has previously approved a request for 52 similarly situated members of the ANG via a group application in 2021. Unfortunately, the applicant was not identified at that time as one of the members affected. The Board further notes the SecAFs memo dated 9 September 2020, who supported the request to authorize per diem beyond 180 days to prevent an injustice for impacted ANG members that would otherwise incur a debt if their records were not corrected. As such, the applicant should have been eligible for the per diem waiver as his orders were issued in support of the SWB mission and the dates of his orders (5 July 2018 through 30 September 2020) are within the period of the error or injustice that was previously identified and for which the Board authorized a per diem waiver. Therefore, the Board recommends correcting the applicant’s records as indicated below.
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 pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show his Temporary Duty (TDY) orders reflect that SAF/MR issued a memo on 20 September 2018 that authorized per diem beyond 180 consecutive days through 30 September 2020 for Air National Guard (ANG) members who arrived in Temporary Duty (TDY) status as early as 25 March 2018 through arrival date of 15 August 2019 in support of the Southwest Border (SWB) mission and were called to active duty under Title 32 United States Code (U.S.C.) §502(f)(2). SAF/MR's decision is pursuant to Joint Travel Regulation (JTR), paragraph. 030302-B2c4, Exigencies of the Service concerned.

**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-2024-02004 in Executive Session on 27 March 2025:

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

All members voted to correct the record. The panel considered the following:



- Exhibit A: Application, DD Form 149, w/atchs, dated 3 June 2024.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/A1XR, w/atchs dated 18 October 2024.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 29 January 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.

9/12/2025

