

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-02031

XXXXXXXXXX

COUNSEL: XXXXXXXXXXXXX

HEARING REQUESTED: YES

APPLICANT'S REQUEST

He be granted 35 points, no pay for his 2022 Retention/Retirement (R/R) and 2 points, no pay for his 2023 R/R anniversary years in order to be credited with satisfactory years of service.

APPLICANT'S CONTENTIONS

In Aug 21, after receiving his first COVID-19 vaccination, he had a serious reaction causing multiple symptoms that lasted for weeks. He was instructed by his Veteran Affairs (VA) Primary Care Manager, not to receive a second dose of the vaccination, which he forwarded to the Medical Flight along with his request for a medical exemption. The military physician denied his medical exemption on the grounds his condition/symptoms were not serious, or life threatening. After researching the vaccine, he discovered it was created by means that directly contradicted with his religious faith. He then submitted a religious exemption with the Chaplains endorsement. While waiting for his religious exemption to be approved, he requested Inactive Duty Training and Annual Training dates for FY22 which were denied.

In Jul 22, he voluntarily transferred to the Individual Ready Reserve to ensure he received an honorable discharge. When he learned the vaccine mandate was lifted in Dec 22, he requested to cancel his IRR transfer and instead be assigned to his previous unit at Tinker AFB as a traditional reservist (TR) and was gained by the unit in Mar 23. However, he was unaware of the COVID-19 Good Year Relief policy until after the deadline for relief had passed.

The applicant's complete submission is at Exhibit A.

APPLICABLE AUTHORITY/GUIDANCE

Secretary of the Air Force memorandum, Delegation of Authority to Grant Retirement Points During National Emergency Declared in Proclamation 9994, dated 6 Jan 22. Paragraph 2, "In accordance with DoDI 1215.07, *Service Credit for Non-Regular Retirement*, paragraph 3.6, Air Reserve Component members may be granted up to 35 points in a one-year period for periods of previously scheduled active service or period(s) of drill or equivalent instruction that were unable to be performed due to travel or duty restrictions from March 1, 2020 through the date upon which the national emergency declared in Proclamation 9994 is lifted."

STATEMENT OF FACTS

The applicant is an Air Force Reserve technical sergeant (E-6).

On 6 Mar 25, a Point Credit Accounting Reporting System (PCARS) report from the Military Personnel Data System, reflects two unsatisfactory years (R/R years 2022 and 2023). Additionally, it reflects for his 2022 R/R year, he earned member points only.

R/R Year	AD	IDT	ECI	MBR	Retirement	Satisfactory Service (Year)
*25 Sep 21 – 24 Sep 22	0	0	0	15	15	000000
*25 Sep 22 – 24 Sep 23	15	18	0	15	48	000000

* Denotes an unsatisfactory year towards retirement.

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

AIR FORCE EVALUATION

HQ RIO/IRO recommends granting the request. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. Per his statement, the applicant was unable to participate for the entirety of FY22 and part of FY23 due to COVID-19 restrictions while going through the Religious Exemption process. After learning in Dec 22, the COVID-19 restriction was lifted, the applicant was able to participate in Mar 23. During this time, he was also informed of the COVID-19 Good Year Relief Policy but missed the deadline due to late notification.

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 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 the victim of an error or injustice. The Board concurs with the rationale and recommendation of HQ RIO/IRO and finds a preponderance of the evidence substantiates the applicant’s contentions. 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 Reserve Component participation record reflect 35 additional non-paid inactive duty points for Retention/Retirement Year ending 24 Sep 22 and he be credited with a satisfactory year of service for R/R anniversary year 25 Sep 21 – 24 Sep 22 and 2 additional non-paid inactive duty points for Retention/Retirement Year ending 24 Sep 23 and he be credited with a satisfactory year of service for R/R anniversary year 25 Sep 22 – 24 Sep 23.

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-2024-02031 in Executive Session on 8 Apr 25:

, Panel Chair
Panel Member
, Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 7 Aug 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, HQ RIO/IRO, dated 2 Oct 24.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 7 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