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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-02172

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His Mandatory Separation Date (MSD) be extended to reflect 30 Jun 26.

APPLICANT'S CONTENTIONS

He is a health professional (physician) and was born on [Work-Product] however, his original MSD was entered in error and was based on his 60th birthday [Work-Product] instead of his 62nd birthday ([Work-Prod...]) in accordance with Title 10 USC § 14509, *Separation at age 62: reserve officers in grades below brigadier general or rear admiral*. In addition, the applicant submitted a MSD extension request in accordance with Title 10 USC § 14703, *Authority to retain chaplains and officers in medical specialties until specified age*, which was approved by the New York Air National Guard (NYARNG) Adjutant General (TAG) on 17 Jun 24 and would further extend his MSD to 30 Jun 26.

This administrative error was made and is easily correctable. He is currently the Flight Surgeon for the 102d Rescue Squadron and responsible for the medical readiness of the Squadron and the members of the 106th Rescue Wing. In addition, he attended Survival, Evasion, Resistance, and Escape (SERE) school in 2023 in preparation for his deployment in support of Operation INHERENT RESOLVE from Jun to Oct 2023 in which he flew 25 combat missions. If a correction to his MSD is not made, then the DoD would have allowed a civilian to attend SERE school, deploy to a hostile area of operations, fly on a military aircraft and complete 25 combat missions.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

According to the Retrieval Applications Website (RAW) Report on Individual Personnel, the applicant holds the Air Force Specialty Code (AFSC) of 48R3, *Flight Surgeon*, and has an ANG MSD of 30 Jun 21.

On 19 Mar 24, the applicant was issued a DD Form 214, *Certificate of Release or Discharge from Active Duty*, for the period of service 26 Jun 23 through 3 Nov 23. According to Section 18, *Remarks*, the applicant served on active duty in support of Operation INHERENT RESOLVE.

On 17 Jun 24, according to documents provided by the applicant, a request to extend the applicant's MSD to 30 Jun 26 was submitted and approved by the NYARNG-TAG.

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

AIR FORCE EVALUATION

NGB/A1PP, recommends granting the application. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. Upon the applicant's promotion to lieutenant colonel, the applicant's MSD should have been 30 Jun 23 to be compliant with 10 USC § 14509, which states "Each reserve officer of the Army, Navy, Air Force, or Marine Corps in a grade below brigadier general or rear admiral (lower half) who has not been recommended for promotion to the grade of brigadier general or rear admiral (lower half) and is not a member of the Retired Reserve shall, on the last day of the month in which that officer becomes 62 years of age, be separated in accordance with section 14515 of this title." However, the applicant's MSD was miscalculated and expired at the age of 60 versus the age of 62. Due to this error, that was no fault of the applicant's, he was not afforded the opportunity to request an MSD extension under 10 USC § 14703 for continued service beyond the age of 62. Furthermore, the Adjutant General for the state of New York requested the applicant be allowed to continue to serve beyond age 62 and has endorsed an MSD extension request, per 10 USC § 14703, supporting his desire to serve to 30 Jun 26.

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 26 Aug 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 NGB/A1PP and finds a preponderance of the evidence substantiates the applicant's contentions. The Board notes through an administrative error that was no fault of the applicant, he was initially given an incorrect MSD, which ultimately precluded him from being able to submit a timely MSD extension request. Furthermore, the Adjutant General for the state of New York requested the applicant be allowed to continue to serve beyond age 62 and has endorsed an MSD extension request, per 10 USC § 14703, supporting his desire to serve to 30 Jun 26. Therefore, the Board recommends correcting the applicant's records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show his Mandatory Separation Date (MSD) be extended to reflect 30 June 2026 in accordance with 10 USC § 14703.

CERTIFICATION

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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-2024-02172 in Executive Session on 18 Dec 24:

Work-Product Panel Chair
Work-Product Panel Member
Work-Product Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 27 Jun 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/A1PP, dated 16 Aug 24.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 26 Aug 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.

3/25/2025

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