



Attorney-Client

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-03200

Attorney-Client

COUNSEL: Attorney-Client

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He be provided a 20 year letter or equivalent document.

APPLICANT'S CONTENTIONS

According to the Defense Finance and Accounting Service (DFAS), a 20 year letter is required in order to receive Concurrent Retirement and Disability Pay (CRDP). He has served on active duty in the Air Force for 18 years and 8 months. He also served in the Marine Reserves for two years and one month. He was medically retired from the Air Force in 1999. According to DFAS, the last branch of service served should provide the 20 year letter. The delay of discovery is due to him not knowing which administrative office in the Air Force or Marine Corps could resolve his issue. He has tried for years to resolve the issue, only to be sent from one office to the next.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a medically retired Air Force technical sergeant (E-6).

On 11 May 99, the DD Form 214, *Certificate of Release or Discharge*, indicates the applicant was honorably retired in the grade of technical sergeant (E-6) with a Separation Program Designator (SPD) of "SFK" which denotes placement on the Temporary Disabled Retired List (TDRL) for physical disability. He was credited with 18 years, 8 months, and 20 days of total active service. He was also credited with 4 months and 29 days of prior active service.

On 22 Sep 00, according to Special Order Attorney-Client the Secretary of the Air Force directed the applicant be removed from the TDRL and permanently retired effective 12 Oct 00. On the same date, a letter was written to the applicant indicating his removal from TDRL with a permanent retirement and a compensable disability rating of 40 percent. The letter also stated, if he had 20 years total active federal military service (TAFMS) prior to placement on the TDRL, he should have received a retirement certificate at the time of out-processing.

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

APPLICABLE AUTHORITY/GUIDANCE

DoDI 1215.07, *Service Credit for Reserve Retirement*, Section 3, paragraph 3.1.a. - Pursuant to Chapter 1223 of Title 10, U.S.C., a qualifying year of creditable service toward a non-regular retirement is a full-year, as described in paragraphs 3.1.b. and 3.1.c., *Establishing and Adjusting Anniversary Years*, during which a member of an Active Component (AC) or Reserve Component (RC) is credited with at least 50 retirement points. Accumulating 20 such years, except as otherwise provided by law, is one requirement necessary to qualify for non-regular retired pay.

Concurrent Retirement and Disability Pay (CRDP) eligibility is a joint program administered by the Defense Finance and Accounting Service (DFAS) and the Department of Veterans Affairs (DVA). CRDP allows military retirees to receive both military retired pay and DVA compensation. This was prohibited until the CRDP program began on 1 Jan 04. The eligibility criteria are as follows:

- The member must be eligible for retired pay to qualify for CRDP. If placed on a disability retirement but would be eligible for military retired pay in the absence of the disability, the member may be entitled to receive CRDP. Under these rules, the member may be entitled to CRDP if (1) regular retiree with a DVA disability rating of 50 percent or greater; (2) a reserve retiree with 20 qualifying years of service, who has a DVA disability rating of 50 percent or greater and who has reached retirement age; (3) retired under Temporary Early Retirement Act (TERA) and have a DVA disability rating of 50 percent or greater; or (4) a disability retiree who earned entitlement to retired pay under any provision of law other than solely by disability, and have a DVA disability rating of 50 percent or greater. The service member may become eligible for CRDP at the time they would have become eligible for retired pay.

AIR FORCE EVALUATION

AFPC/DPMLT recommends denying the application, finding no evidence of an error or injustice. According to the documents in the applicant's master personnel record, the applicant enlisted in the U.S. Air Force on 20 Jan 81 and was discharged on 10 May 99, which is a period of 18 years, 3 months, and 21 days. Prior to enlisting in the Air Force, the applicant was a member of the U.S. Marine Corps Reserve (USMCR). Due to insufficient documentation, the period of service in the USMCR could not be verified. The DD Form 214, issued by the Air Force reflects 4 months and 29 days of prior active duty service, and 2 years, 1 month, and 21 days of reserve inactive service. Reserve inactive service is not active duty and is not creditable for a 20 year active duty 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 5 May 25 for comment (Exhibit D) but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed. The Board also notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Department of the Air Force Instruction 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*.
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's prior USMCR service could not be verified. The Board could not find documentation showing the applicant earned enough points between 10 Jun 79 to the date of discharge from the USMCR on 19 Jan 81 in order to award credit for satisfactory service. If the applicant could provide his Reserve Retirement Credit Report or other documentation for the period in question showing the duty he performed, the Board would reconsider his application. 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-2024-03200 in Executive Session on 18 Jul 25:

Attorney-Client

, Panel Chair

Attorney-Client

, Panel Member

Attorney-Client

, Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 27 Aug 24.

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

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Exhibit C: Advisory Opinion, AFPC/DPMLT, dated 5 May 25.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 6 May 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.

9/1/2025

X

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Board Operations Manager, AFBCMR

Signed by: USAF

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