



Work-Product

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

**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER: BC-2024-03879**

Work-Product

**COUNSEL: NONE**

**HEARING REQUESTED: YES**

**APPLICANT’S REQUEST**

His date of separation from the Air National Guard (ANG) be changed to 1 Sep 24.

**APPLICANT’S CONTENTIONS**

His date of separation should be changed on his NGB Form 22, *National Guard Bureau Report of Separation and Record of Service*, his DD Form 214, *Certificate of Release or Discharge from Active Duty*, and in the Defense Enrollment Eligibility Reporting System (DEERS). Due to increased demands in his personal life, he decided to resign his commission with the Virginia ANG. He attended his last drill in May 22 and turned in his documentation for out-processing. Several months passed without word regarding his separation. On 21 Jul 22, he followed up with an email and was told a voluntary separation package for him was not being tracked and to contact his Command Support Staff (CSS). On 25 Jul 22, he emailed his CSS, SMSgt M----- stating he was sending the attached checklist because he was told no record of his voluntary separation was received but never received a response. At this point, he thought his unit was delaying his separation to preserve his judge advocate billet and assumed his unit needed to keep him in the billet until a replacement was found. On 19 Sep 22, he received an email from a DoD employee responsible for managing the Judge Advocate General’s Personnel Management System and conveyed to him that he resigned his commission effective May 22 but had not received his separation documents. He continued to receive leave and earning statements (LES) showing no income but confirming his military status; however, no one from his unit contacted him nor did he receive written confirmation of his separation. He and his family relied on his duty status for medical insurance, TRICARE Reserve Select (TRS), through Aug 24. Although he was eligible for healthcare through his civilian job, the benefits with TRICARE were better. Additionally, he never received a termination notice from TRICARE which was required for him to enroll in his civilian healthcare program. He continued to pay the monthly premiums for TRICARE and continued to use the health coverage. In Oct 24, he received a letter refunding his TRICARE premiums starting from Feb 22, stating loss of eligibility. After that, he received medical bills for services that were previously paid by TRICARE.

The applicant’s complete submission is at Exhibit A.

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Controlled by: SAE/MRB  
CUI Categories: Work-Product  
Limited Dissemination Control: N/A  
POC: [SAF.MRBC.Workflow@us.af.mil](mailto:SAF.MRBC.Workflow@us.af.mil)

## STATEMENT OF FACTS

The applicant is a former ANG major (O-4).

On 11 Jul 18, DD Form 214 reflects the applicant was honorably discharged due to his resignation in the grade of captain (O-3) after serving 4 years, 4 months, and 10 days of active duty. He was discharged, with a narrative reason for separation of "Completion of Required Active Service."

On 12 Jul 18, AF Form 133, *Oath of Office (Military Personnel)*, indicates the applicant was appointed as an officer in the Reserve of the Air Force.

On 9 Jan 22, the applicant submitted his tender of resignation effective 1 Jun 22 stating his military service obligation would be satisfied on 10 Feb 22 and he desired to spend more time with his family and on his civilian career with the understanding, if his resignation was accepted, he would receive an honorable characterization.

Dated 18 Oct 23, the wing commander approved the applicant's request for resignation stating the applicant ceased attending regularly scheduled drill approximately Jul 22. On this same date, the staff judge advocate found the request legally sufficient noting the resignation letter, dated 9 Jan 22 and the fact the applicant ceased attending regularly scheduled drill approximately Jul 22. The letter further stated, the package is missing the standard Statement of Understanding (SOU) that typically accompanies officer separation packages wherein the member normally agrees to serve in the Virginia ANG for a total of four years. It is unclear why the voluntary separation action did not process sooner, although presumably staff spent some amount of time attempting to locate this missing document. Ultimately, the document appears inconsequential in this case since the applicant did serve nearly four years and prior leadership appeared to have permitted the applicant to stop attending drill absent any missing documentation. As no statute of limitations existed in this instance, the action should proceed forward as expeditiously as possible.

On 10 Jan 24, the Adjutant General (TAG) approved the applicant's resignation.

On 10 Feb 22, NGB Form 22 reflects the applicant was honorably discharged from the ANG in the grade of major (O-4) after serving eight years and one day of service for this period. He was discharged, with a narrative reason for separation of "Resignation Resulting in Honorable Discharge."

Dated 20 Aug 24, Special Order Work-Product indicates the applicant was honorably discharged from the ANG, effective 10 Feb 22.

Dated 17 Mar 25, a letter from the applicant's wing commander recommends partially approving the applicant's request, agreeing to change his date of separation to Dec 22 which reflects the first open enrollment season following the admitted conclusion of the applicant's military service wherein he could have independently acquired civilian health insurance of his choosing without any additional action from his unit. He denied the applicant's request for a 1 Sep 24 separation

date, stating the applicant utilized a unique military benefit to which he lacked entitlement for more than two years after his eligibility ended. As further noted, the applicant elected not to reach out to the unit to request assistance with his stated desire of terminating his military health insurance benefits despite his lack of military participation. Although the applicant took affirmative steps to resign his commission and ceased attending drill, he continued to accept associated military benefits to which he lacked entitlement. Even if he opted against reaching out to his unit for assistance in terminating this benefit, he could have independently terminated this benefit, generating a letter that would have allowed him to secure appropriate civilian sector health insurance. Alternately, he could have secured alternate health insurance even without a termination letter in the ordinary course during annual open enrollment season in 2022, and again in 2023. Instead of cancelling this benefit intended for only military members, he continued to utilize TRS for himself and his expanding family.

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

#### **APPLICABLE AUTHORITY/GUIDANCE**

Air Reserve Component (ARC) members on continuous active duty for 90 calendar days or more will be issued a DD Form 214. A DD Form 214 may also be issued to ARC members for completion of less than 90 continuous calendar days of active duty for the following reasons: (1) completion of an initial active duty for training (IADT) regardless of length of time; (2) ordered or called to active duty for support of DoD named Contingency Operation for 30 days or more; (3) or separating for cause (for ARC Airman).

#### **AIR FORCE EVALUATION**

ARPC/DPTT recommends denying the applicant's request to change his date of separation finding no evidence of a significant error or injustice on the part of ARPC. The applicant's NGB Form 22 was issued in accordance with the request submitted by the unit. The only issue of note is that block 23 regarding Authority and Reason for separation should have reflected AFI 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*, paragraph 4.4.1. which was in effect at the time of separation. The applicant further requested his DD Form 214 be updated to reflect a separation date of 1 Sep 24; however, the DD Form 214 provided by the applicant covered his regular Air Force active-duty time between 2014-2018. Unfortunately, the service completed by the applicant between 2018-2022 does not meet the requirements needed to have another, or new, DD Form 214 issued.

The applicant contends he never received notification of the separation until he received his discharge order in Aug 24. Per AFI 36-3209, paragraph 1.5.2, orders directing separation or discharge become effective at 2400 on the date specified if the member receives actual or constructive notice on or before the effective date specified in the orders. If a member intentionally avoids receipt of the notice or if the delivery cannot be made through normal postal channels, the

effective date specified in the orders will be considered to be the date official notification was received. A member continues to be a member until the discharge becomes effective.

On 6 Mar 25, ARPC reached out to the ~~Work-Product~~ ANG indicating that, if agreed to by the TAG, an administrative correction could be processed on behalf of the applicant's AFBCMR case to change his separation date to 1 Sep 24. Due to the delay in the processing of his separation, it left the applicant eligible for Servicemembers' Group Life Insurance (SGLI) and TRS although he did not participate since Jul 22. As such, the applicant continued to be charged for SGLI and used TRS as needed. On 17 Mar 25, ARPC received an email stating the applicant's wing commander was unwilling to support the request for extending his resignation from 10 Feb 22 to 1 Sep 24. However, the wing commander did agree to move the applicant's separation date to 31 Dec 22. The unit also expanded upon the reason for the two-year delay in submitting the separation package citing administrative delays by multiple parties, including the applicant never following through on assembling his package. This was compounded by the final input to ARPC with an incorrect date from initially requested.

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 27 Mar 25 for comment (Exhibit D), and the applicant replied on 16 Apr 25. In his response, the applicant contends the advisory opinion appears accurate; however, does not apply the facts to the applicable regulations or analyze the hardship the delays in processing his separation caused his family. These delays caused the illusion of healthcare coverage between the time he ceased attending drill through Aug 24, when TRICARE was informed, he was ineligible for benefits as of Feb 22. This resulted in a large medical debt of over \$40,000.00. The advisory opinion references AFI 36-3209 which requires notice of separation but summarily concludes no error or injustice occurred with further explanation. He was never notified of his separation and only became aware when he started receiving medical bills. He then requested a copy of his discharge documents from the National Archives. The advisory cites administrative delays, including the fact he never followed through with assembling his package; however, he submitted his package and followed up with emails, but no one provided an update or contacted him regarding his separation. There is no evidence to support the claim he was partly responsible for the delay. Had he been notified his health coverage ended, he would have enrolled in his civilian health coverage; however, he never received notification which was required by his civilian health coverage. The delay in processing his separation essentially made him and his family ineligible for health coverage for over two years.

The applicant's complete response is at Exhibit E.

#### **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. While the Board notes the recommendation of ARPC/DPTT against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions in part. The applicant's resignation letter requested a separation date of 1 Jun 22 which was approved; however, the Board agrees with rationale in the letter from the applicant's wing commander, dated 17 Mar 25, to have his date of separation changed to Dec 22 since the unit holds some responsibility for the delay in processing the resignation and recommends correcting the applicant's records as indicated below. However, for the remainder of the applicant's request, the evidence presented did not demonstrate an error or injustice, and the Board therefore finds no basis to recommend granting that portion of the applicant's request. Again, the Board agrees with the rationale provided in the 17 Mar 25 letter from his wing commander. It was the applicant's responsibility to obtain health coverage for his family to which he chose to use a program he was not entitled to based on his non-participation status and the date of resignation he requested. The Board notes the applicant's contention by not initiating the separation action for two years past his resignation request, this essentially made him and his family ineligible for healthcare coverage; however, TRS is a voluntary program from which a member may disenroll at any time. He chose to continue to use this program because the coverage was better even though he knew he was not entitled to the benefits. Furthermore, the applicant does bear some responsibility for his separation not being processed in a timely manner by not adhering to the out-processing procedures, signing his name to offices he was responsible for out-processing with missing vital information needed for his successful transition. Lastly, the Board notes the reference the applicant makes to support his contention, AFI 36-3209, paragraph 1.5.2; however, his discharge became effective on the date he requested resignation as this was the date his TAG approved his date of separation. This paragraph referenced is to ensure a member is not separated before the effective date specified in the orders. As for a correction to his DD Form 214, no correction is needed, this document reflects his time on active duty and does not document time served as a drill status guard member.

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 NGB Form 22, *National Guard Report of Separation and Record of Service*, issued in conjunction with his resignation from the Virginia Air National Guard, be amended to reflect his date of separation of 31 Dec 22.

However, regarding the remainder of the applicant's request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

## **CERTIFICATION**

**AFBCMR Docket Number BC-2024-03879**

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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-2024-03879 in Executive Session on 22 Aug 25:

<i>Work-Product</i>	Panel Chair
<i>Work-Product</i>	Panel Member
<i>Work-Product</i>	Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 3 Nov 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, ARPC/DPTT, w/atchs, dated 18 Mar 25.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 27 Mar 25.
- Exhibit E: Applicant’s Response, w/atchs, dated 16 Apr 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.

9/22/2025

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Board Operations Manager, AFBCMR  
Signed by: USAF