



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-04300

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His date of rank (DOR) to major be corrected to 12 Jul 23 with all backpay and allowances to include time in grade (TIG) credit.

APPLICANT'S CONTENTIONS

He was originally promoted to major on 12 Jul 23 per Special Order **Work-Product** which was issued on 14 Aug 23. There is no documentation that rescinded this order which confirms the delay in his promotion was administrative and outside his control. Section 513 of Public Law 117-263 (National Defense Authorization Act Fiscal Year 2023 (NDAA FY23)) explicitly protects officers from such administrative errors which negatively impact future promotion timelines. Despite being selected and promoted under the Position Vacancy (PV) system with state orders and meeting the Federal Recognition Evaluation Board (FREB), he was erroneously transitioned to the Reserve Officer Personnel Management Act (ROPMA) on Oct 23 due to administrative delays and oversight at the National Guard Bureau (NGB). This improper transition negated his PV timeline compounding the impact on his career progression.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air National Guard (ANG) major (O-4).

On 1 Nov 22, DD Form 214, *Certificate of Release or Discharge from Active Duty*, reflects the applicant was honorably discharged in the grade of captain (O-3) after serving eight years, one month, and seven days of active duty. He was discharged, with a narrative reason for separation of "Completion of Required Active Service."

Dated 14 Aug 23, Special Order **Work-Product**, provided by the applicant, indicates he was promoted to major having been examined by a Federal Recognition Examining Board on 12 Jul 23, effective upon federal recognition.

Dated 18 Jun 24, Special Order Number [Work-Product] indicates the applicant was federally recognized in the ANG, effective 2 Nov 22.

On 1 Oct 24, Special Order Number [Work-Product] indicates the applicant was promoted to major per federal recognition.

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

AIR FORCE EVALUATION

NGB/AIPO recommends denying the applicant's request to change his DOR finding no evidence to support his request. The applicant could not go forward for a PV promotion via CY23D because he had not been submitted for a required Reserve of the Air Force (ResAF) Federal Recognition order for original appointment into the ANG. Once the applicant was issued the required Federal Recognition order, he met a mandatory Reserve Officer Promotion Board (ROPB) A0423B, where he was selected for promotion to major and later received an accelerated promotion with a DOR and effective DOR of 1 Oct 24.

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 4 Apr 24 for comment (Exhibit D) and the applicant responded on 9 Apr 25. In his response, the applicant contends his unit made a clerical error and a systemic delay violating Section 513 of Public Law 117-263 and AFBCMR precedent. The advisory opinion notes his Federal Recognition was not submitted until 27 Nov 23 and finalized on 18 Jun 24 yet emails confirm his package was submitted on time, but his headquarters unit made a mistake. Section 513 of the National Defense Authorization Act (NDAA) indicates administrative errors shall not delay promotion eligibility beyond the officer's control. Other AFBCMR cases acknowledged errors occurred and granted similar requests.

The applicant's complete submission is at Exhibit E.

ADDITIONAL AIR FORCE EVALUATION

NGB/AIPO recommends denying the applicant's request to support his request to have his current DOR of 1 Oct 24 to major backdated to 12 Jul 23. The applicant was ineligible for PV CY23D due to the absence of a required Federal Recognition order for the original appointment into the ANG. The Applicant was subsequently selected for promotion under a mandatory ROPB and granted an accelerated promotion with a DOR and effective DOR of 1 Oct 24.

The applicant's Federal Recognition package was not submitted, let alone cleared, before PV CY23D closed on 31 Aug 23. His appointment package for Federal Recognition was not submitted in the Air Force Recruiting Information Support System-Total Force (AFRISS-TF) until 27 Nov 23. Thus, he was not fully eligible for PV CY23D under applicable law and policy. The applicant's assertion Section 513 applies is inaccurate; the provision does not override statutory requirements under Title 10 Section 12201, which mandates Federal Recognition for officer appointment and promotion eligibility. Furthermore, the AFBCMR cases cited by the applicant are not analogous. In each of those cases, the applicants had met all eligibility criteria, including Federal Recognition for original appointment into the ANG, before the administrative delays occurred. In contrast, this applicant was ineligible for PV CY23D at the time of submission due to lack of Federal Recognition.

The complete advisory opinion is at Exhibit F.

APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 28 May 25 for comment (Exhibit G) and the applicant replied on 11 Jun 25. In his response, the applicant contends the absence of the Federal Recognition order for his original appointment was a result of an administrative error by his guard unit which was beyond his control. The advisory opinion misapplies the law and disregards Section 513 of Public Law 117-263. Furthermore, the advisory opinion provides no evidence attributing his unit's error to any action or omission on his part, nor does the advisory opinion assert he had control over the failure, thereby aligning this matter with NDAA FY23 Section 513's mandate for relief, as substantiated by his submission to the AFBCMR.

The advisory opinion asserts he was ineligible for the CY23D PV promotion because his headquarters unit failed to submit a Federal Recognition order. His wing complied with the regulations and completed all steps transmitting his package to his headquarters unit on 22 Aug 23. However, his headquarters unit failed to submit the order which delayed Federal Recognition until Nov 23, with finalization on 18 Jun 24. Because of this error, he was erroneously paid as a major, which was recouped. The advisory opinion's citation of a policy dated 29 Apr 25 does not apply to his case as this policy is dated after the error occurred with his promotion and does not supersede NDAA FY23 Section 513.

The applicant's complete response is at Exhibit H.

FINDINGS AND CONCLUSION

1. The application was timely filed.
2. The applicant exhausted all other available administrative remedies 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 NGB/AIPO and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board finds the applicant was not eligible for an earlier DOR for his promotion to major as he was not federally recognized before PV CY23D closed on 31 Aug 23. 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-2024-04300 in Executive Session on 22 Aug 25:

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

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 19 Dec 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, NGB/AIPO, dated 1 Apr 25.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 4 Apr 24.
- Exhibit E: Applicant's Response, w/atchs, dated 9 Apr 25.
- Exhibit F: Advisory Opinion, NGB/AIPO, dated 20 May 25.
- Exhibit G: Notification of Advisory, SAF/MRBC to Applicant, dated 20 May 25.
- Exhibit H: Applicant's Response, w/atchs, dated 11 Jun 25.

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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.

10/3/2025

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Board Operations Manager, AFBCMR
Signed by: USAF