

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2025-00306

XXXXXXXXXXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

### APPLICANT'S REQUEST

His official military personnel records be amended to change his 24X Personnel Accounting Symbol code to X9.

### APPLICANT'S CONTENTIONS

The applicant is requesting the change so he can get a retirement identification (ID) card. At the time the applicant was looking to retire, there were significant family medical issues facing him. His sixth child was born with no esophagus as well as Downs Syndrome. His child had one surgery and was facing potentially more in 2004. The applicant's wife was diagnosed with breast cancer in 2004, and with six children, there was a lot going on at home. The applicant's oldest child was 14 years old at this time. While the applicant was initially looking to retire, the potential to be called back into active duty posed too much of a threat to his family's health and well-being considering the serious health issues present at that time in his life. Per the applicant, in 2004, the number of retired members called up for Operation ENDURING FREEDOM was significant. After multiple recurrences, the applicant lost his wife to cancer. The applicant contended had he not been faced with severe medical issues at home, he would have retired without question.

The applicant further contended while discussing his retirement pay application with an Air Reserve Personnel Center (ARPC) chat specialist, she recommended the applicant submit a request for a change through the Air Force Board for Correction of Military Records (AFBCMR) from separation to retired status based on the severe extenuating circumstances he faced at the time. Per the applicant, at that time, he felt he had no options but to separate so as to care for his sick wife and medically-challenged infant as well as his other five children. The applicant had no idea the AFBCMR would be able to address an issue such as this. The applicant's NGB Form 22, *National Guard Bureau Report of Separation and Record of Service*, lists "Hardship" as the reason [for separation].

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a former member Air National Guard (ANG) technical sergeant (E-6).

On 24 Apr 03, ARPC/DPPR sent the applicant the standard Notification of Eligibility for Retired Pay (20-year letter) informing him that he had completed the required years under the provisions of Title 10 United States Code, Section 12731 (10 USC § 12731) and is entitled to retired pay upon application prior to age 60.

On 24 Oct 03, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant reenlisted in the [State] Air National Guard for a period of six years.

On 1 Feb 05, the applicant was furnished an honorable discharge with Authority and Reason, Air Force Instruction (AFI) 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*, Hardship, Separation Program Designator code KDB [Hardship], and was credited with 21 years, 11 months, and 27 days total service for pay.

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

## **APPLICABLE AUTHORITY/GUIDANCE**

AFI 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*, dated 1 Feb 98,

Chapter 1 – *Administrative Separation of ANG and Air Force Reserve Members Not on Extended Active Duty (EAD)*

1.2. *Applicability and Scope.* This instruction applies to all officer and enlisted members not serving on EAD or active duty with the Regular Air Force. Chapter 5 applies to the Retired Reserve not receiving retired pay. It does not apply to personnel who receive a military retirement under Title 10 U.S.C., Section 12731, 8911, 8914, or members entitled by law to disability retired pay based on military status. Recalled retired members (who are not receiving pay) are subject to this instruction if they are removed from retired status and returned to an active status.

1.2.1. *Former Members.* Previous policy allowed Air Force Reserve members who chose discharge instead of transfer to the Retired Reserve to be reappointed or reenlisted for the purpose of transfer to the Retired Reserve anytime prior to age 60. These members became eligible for partial use of some benefits prior to age 60, and upon attainment of age 60, they were eligible for full benefits whether they were reaffiliated or not. This criterion has changed. Members who are discharged today, instead of retired, will not be allowed to reaffiliate and will only be entitled to retired pay and medical care at age 60. These former members and their eligible family members will be issued the DD Form 1173, *Uniform Service Identification and Privilege Card*, on the member's 60th birthday. All members who are eligible for transfer to the Retired Reserve and choose discharge must be formally counseled concerning this policy and its effects on their benefits.

Chapter 5 - *Retirement:*

5.7. *Former Members.* These personnel elected not to transfer to the retired reserve and were discharged for physical disqualification, misconduct, upon expiration of their contract, or they resigned their commission. They have no military status and are not authorized entitlements or benefits until they apply for and receive pay at age 60.

5.9. *Categories of Personnel Who Are Not Eligible for Transfer to the Retired Reserve.*

5.9.3. Personnel who elected discharge or resigned their commission in lieu of transfer to the Retired Reserve (former members).

10 USC § 688 - *Retired members: authority to order to active duty; duties*

(a) *Authority.* Under regulations prescribed by the Secretary of Defense, a member described in subsection (b) may be ordered to active duty by the Secretary of the military department concerned at any time.

(b) *Covered Members.* Except as provided in subsection (d), subsection (a) applies to the following members of the armed forces:

(1) A retired member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps.

(2) A member of the Retired Reserve who was retired under section 1293, 7311, 7314, 8323, 9311, or 9314 of this title.

(3) A member of the Fleet Reserve or Fleet Marine Corps Reserve.

(4) A retired member of the Space Force.

## **AIR FORCE EVALUATION**

ARPC/DPTT recommends denying the application. Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice. At the time of discharge, the applicant was eligible to transfer to the Retired Reserve and be considered “reserve/guard awaiting pay at age 60.” The applicant was separated from the [State] ANG on 1 Feb 05 due to “hardship” and therefore, became a “former member.”

The applicant’s military personnel record has been reviewed by Headquarters ARPC Retirements Branch. A review of the applicant’s Military Personnel Record shows the applicant is eligible for a non-regular retirement with a total of 21 years of satisfactory military service. A total of 20 years of satisfactory service is required to be eligible for a non-regular retirement per Department of the Air Force (DAFI) 36-3203, *Service Retirements*, paragraph 3.1.2.

The applicant was discharged from the [State] ANG on 1 Feb 05, as stated on the NGB Form 22. The reasoning for the separation was “hardship” and the characterization of service was “honorable.” The applicant was eligible to be transferred to the Retired Reserve at the time of discharge. On the DD Form 149, *Application for Correction of Military Record*, the applicant stated it was initially his intention to be transferred to the Retired Reserve. However, he denied the transfer and requested to be separated due to medical hardships within his family. The applicant claims he did not want to risk the chance of being recalled to active duty as it would be detrimental to his family’s well-being and that is why he requested to be separated. Under 10 USC § 688, members of the retired reserves may be ordered to active duty by the Secretary of the military department concerned at any time.

Per DAFI 36-3203, paragraph 9.3, a former member is an individual who qualified for retirement but elected not to be transferred to the Retired Reserve and was subsequently discharged upon expiration of their enlistment. The applicant qualified to be transferred to the Retired Reserves as he had a total of 21 years of satisfactory military service. However, the applicant denied transfer to the Retired Reserve and requested separation. Therefore, the applicant was discharged as a former member. Former members have no military status but are authorized certain entitlements.

On 24 Apr 03, the applicant received a Notification of Eligibility for Retired Pay at Age 60. The memorandum provided information regarding retirement age 60 pay. This memorandum is still applicable to the applicant, and he is still eligible for retirement pay as a former member. The applicant also qualifies for a retirement ID once he begins receiving retirement pay per DAFI 36-3026V1, *Identification Cards for Members of The Uniformed Services, Their Eligible Family Members, and Other Eligible Personnel*, paragraph 1.2.6.7.

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 30 Jul 25 for comment (Exhibit D) but 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 the alleged error or injustice, as required by 10 USC § 1552 and DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence.
2. The applicant exhausted 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 ARPC/DPTT and finds a preponderance of the evidence does not support the applicant's request. At the time of his separation, the applicant intentionally chose to request a discharge based upon hardship vice apply for a reserve retirement to avoid the potential for recall. As a former member, the applicant is eligible for receipt of retirement pay and an ID card. Therefore, the Board recommends against correcting the applicant's records.
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 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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2025-00306 in Executive Session on 20 Nov 25:

, Panel Chair  
, Panel Member  
, Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 23 Jan 25.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory Opinion, ARPC/DPTT, w/atchs, dated 30 Jul 25.  
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 30 Jul 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.

X

---

Board Operations Manager, AFBCMR