



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

JUN 11 1998


Office of the Assistant Secretary

AFBCMR 95-02947

MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED], be corrected to show that he was honorably discharged from the Washington *Air* National Guard on 13 Jul 95, with a Reserve Transition Assistance Program (RTAP) Code of "XA"; and that he was transferred to the Air Force Reserve on 14 July 1995 and assigned to the Retired Reserve Section Awaiting Pay, effective 15 Jul 95.

  
JOE G. LINEBERGER  
Director  
Air Force Review Boards Agency

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

JUN 11 1998

IN THE MATTER OF:

DOCKET NUMBER: 95-02947

[REDACTED]  
[REDACTED]  
COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His records be corrected to reflect that he was entitled to receive five (5) Reserve Transition Assistance Program (RTAP) payments.

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APPLICANT CONTENDS THAT:

After notification that he was being "involuntarily" retired, he was advised on 7 May 95 by the Military Personnel Flight (MPF) personnel specialists that he was qualified for five (5) annual RTAP monetary payments, he applied for retirement effective on his expiration term of service of (ETS) 3 Aug 95. However, he was unaware of a change to the RTAP which was approved on 17 Apr 95, but was not disseminated from Headquarters, [REDACTED] Air National Guard until early June 95. Had the personnel specialists been aware of this policy change sooner, they would have offered him a retirement date prior to 16 Jul 95.

In support of his appeal, the applicant provided a statement from his commander of his intent not to extend him the opportunity to reenlist/extend, a chronological order of events, several personal statements, congressional correspondence, and documentation regarding the RTAP program.

Applicant's complete submission is at Exhibit A.

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STATEMENT OF FACTS:

Documentation provided by the applicant indicated that, on 1 Mar 95, he was officially notified by his commander of his intent not to extend to the applicant the opportunity to reenlist/extend in the 256 Combat Communications Squadron, [REDACTED] Air National Guard, in calendar year 1995. As a result, his enlistment with the Washington Air National Guard would terminate on 3 Aug 95.

A Mil Form 453, Request and Authorization for Discharge/Assignment, indicated a request was made that the applicant be relieved from assignment and honorably discharged from the [REDACTED] Air National Guard and transferred to the Retired Reserve.

Information extracted from the Personnel Data System (PDS) indicates that the applicant was transferred to the Retired Section Awaiting Pay, effective 5 Aug 95. He will be eligible to receive retired pay on 11 Jun 2006. He was credited with 29 years of Satisfactory Federal Service.

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AIR FORCE EVALUATION:

The Chief, Utilization, ANG/MPPU, reviewed this application and recommended denial. MPPU indicated that the cutoff date was established 90 days from the date the Fiscal Year 95 Defense Authorization Act was signed which was put at 17 Jul 95. All individuals with established dates in the Personnel Data System were not allowed to change those dates because it would have rendered the member ineligible for RTAP. The change of date would make the decision voluntary rather than involuntary, and in order to receive payments the separation must be involuntary. In the revised guidance, a singular payment was authorized rather than the five payments approved in the Fiscal Year 93 Defense Authorization Act. Therefore, the applicant's request for five RTAP payments cannot be approved.

A complete copy of the MPPU evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

In his initial response, dated 29 Jul 96, the applicant indicated that he felt strongly that his case against the ANG was flawless and was based on accurate documentation of the circumstances leading up to his "involuntary retirement on 3 Aug 95, and the accompanying loss of "full" RTAP benefits for himself, yet received by several other retiring guard members around the same time frame

Applicant's complete response and additional documentary evidence are at Exhibit E.

Subsequent to his initial response, the applicant two other responses which are attached at Exhibit F and G.

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ADDITIONAL AIR FORCE EVALUATION:

The Director of Plans, ARPC/XP, reviewed this application and indicated that Air Force implementing guidance for the Department of Defense (DOD) Selected Reserve Transition Assistance Program (RTAP) released on 11 Mar 93 was amended to reflect the 5 Oct 94 changes to the program. Section 6, Temporary Authority for Special Separation Pay for Members with 20 or More Years of Service, Section (a) states in part "...may receive one or more but not more than five years of annual special payments as determined by the Secretary of the Air Force--contingent upon a member's request for transfer to the Retired Reserve. As determined by the Secretary, the number of annual payments authorized may differ, based on the policy or circumstances resulting in the member's separation..." Section (a)(3) states "A single special separation payment shall be authorized for Air National Guard officer and enlisted members separated by the application of selective retention policies, beginning 90 days after approval of this policy guidance. The policy guidance was approved on 17 Apr 95, thus the policy in Section (a)(3) became effective 16 Jul 95.

According to XP, the applicant's allegation of untimely dissemination of the new RTAP policy was without merit. However, due to the newness of the policy, some unintentional errors occurred. XP indicated that a telephone conversation between their office and ANGRC/MPPSS on 18 Dec 97 disclosed that the applicant should have been allowed to retire prior to 16 Jul 95.

XP recommended approval of the applicant's request based on the 18 Dec 97 ANGRC/MPPSS guidance. In XP's view, the applicant should have been given the same opportunity to retire before 16 Jul 95 as those members who met Selective Retention Boards.

A complete copy of the XP evaluation is at Exhibit H.

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APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to applicant on 9 Feb 98 for review and response. As of this date, no response has been received by this office (Exhibit I).

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THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.

3. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. Having carefully reviewed this application, we agree with the recommendation of ARPC/XP and adopt the rationale expressed as the basis for our decision that the applicant has been the victim of an error or an injustice. Accordingly, we recommend that the applicant's records be corrected as indicated below.

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THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that he was honorably discharged from the [REDACTED] Air National Guard on 13 Jul 95; with a Reserve Transition Assistance Program (RTAP) Code of "XA"; and that he was transferred to the Air Force Reserve on 14 July 1995 and assigned to the Retired Reserve Section Awaiting Pay, effective 15 Jul 95.

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The following members of the Board considered this application in Executive Session on 31 Mar 98, under the provisions of AFI 36-2603:

Mr. Benedict A. Kausal IV, Panel Chair  
Ms. Dorothy P. Loeb, Member  
Mr. Richard A. Peterson, Member

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 18 Sep 95, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, ANG/MPPU, dated 1 Jul 96.
- Exhibit D. Letter, SAF/MIBR, dated 29 Jul 96.
- Exhibit E. Letter, applicant, dated 29 Jul 96, w/atch.
- Exhibit F. Letter, applicant, dated 3 Dec 96.
- Exhibit G. Letter, applicant, dated 26 Dec 96.
- Exhibit H. Letter, ARPC/XP, dated 5 Jan 98.
- Exhibit I. Letter, SAF/MIBR, dated 9 Feb 98.

  
BENEDICT A. KAUSAL IV  
Panel Chair