

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NO: 98-00702

AUG 21 1998

[REDACTED]  
[REDACTED]  
COUNSEL: NONE

HEARING DESIRED: NO

Applicant requests that he be returned to active reserve status for the period 1 April 1998 to 27 November 1999. Applicant's submission is at Exhibit A.

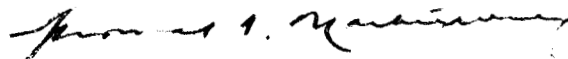
The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit C). The advisory opinion was forwarded to the applicant for review and response (Exhibit D). Applicant has provided a response (Exhibit E).

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinion appear to be based on the evidence of record and have not been adequately rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Mr. Thomas S. Markiewicz, Mr. Henry Romo Jr., and Mr. Walter J. Hosey, considered this application on 19 August 1998, in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.



THOMAS S. MARKIEWICZ  
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinion
- D. AFBCMR Ltr Forwarding Advisory Opinion
- E. Applicant's Response



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR RESERVE PERSONNEL CENTER

25 MAR 1998

MEMORANDUM FOR AFBCMR

1535 Command Dr EE Wing 3<sup>rd</sup> Floor  
Andrews AFB MD 20331-7002

FROM: HQ ARPC/DP  
6760 E Irvington Pl #I 500  
Denver CO 80280-1500

SUBJECT: Application for Correction of Military Records, [REDACTED]  
[REDACTED]

1. The requested correction cannot be accomplished administratively at this headquarters.
2. The applicant is requesting that his mandatory separation date (MSD) of 1 April 1998 be extended to 27 November 1999 to allow for time he was assigned to the Inactive Status List Reserve Section (ISLRS).
3. The following is an analysis of the case:
  - a. The applicant's MSD was established per Title 10, United States Code, former Section 8851. This states that an officer in the grade of colonel in an active status who is not on a recommended list for promotion to the Reserve grade of brigadier general, be transferred if qualified, to the Retired Reserve, or be discharged from his Reserve appointment 30 days after completion of 30 years of service or 5 years from his date of rank, whichever is later, not to exceed his 60<sup>th</sup> birthday. Time assigned to **ESLRS** is considered a break in active participation but not a break in commissioned service, thus it does count toward his MSD. There are no provisions under which his **MSD** can be extended.
  - b. The **MSD** is established early in a Reserve officer's career and remains a part of the record throughout the officer's service. We cannot comment on why the applicant was unaware of this important date.
4. Recommend denial of the applicant's request. There are no provisions in law that **allow** the **MSD** to be changed because of time assigned to **ISLRS**. If the Air Force Board for Correction of Military Records (AFBCMR) agrees with our recommendation, no further action is necessary.
5. If the AFBCMR disagrees with our recommendation, take the following actions:

a. Cancel the applicant's assignment to the Retired Reserve which is to be effective on 1 April 1998.

b. Change the applicant's MSD to 27 November 1999.

6. If you need further assistance, please contact [REDACTED] HQ ARPC/DPAD, at DSN [REDACTED], or e-mail: [REDACTED]

[REDACTED] Colonel, USAF  
**Director of Personnel Program Management**