RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2008-03272

INDEX CODE: 135.02

XXXXXXXXXXXXXX COUNSEL: NONE

HEARING DESIRED: YES

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APPLICANT REQUESTS THAT:

His record be corrected to reflect satisfactory service for his Retirement Year Ending (RYE) 9 January 2008.

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APPLICANT CONTENDS THAT:

In August 2006, he left the 610th Security Forces Squadron (SFS) and was accessed as a Category E (points-only) Individual Mobilization Augmentee (IMA) by the HQ Air Force Security Forces Center at Lackland AFB, TX; however, he was prevented from performing inactive duty for training (IDT) as the command felt his civilian employer presented a conflict-of-interest.

He made several trips to the unit to work the issue but did not receive point credit. He was subsequently able to transfer as a points-only IMA to the 37th SFS at Lackland, AFB, TX, and performed active duty for which he did not receive point credit.

In support of his appeal, he has provided copies of two AF IMT 938s, *Request and Authorization for Active Duty Training/Active Duty Tour* orders; his *Duty History Information*; and his *ANG/USAFR Point Credit Summary* for RYE 9 January 2008.

Applicant’s complete submission, with attachments, is at Exhibit A.

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STATEMENT OF FACTS:

The applicant is currently serving as an Air Force Reserve IMA in the grade of captain (O-3). For the period 10 January 2006 through 9 January 2007, he was credited with 27 active duty (AD) points, 12 IDT points, 0 Extension Course Institute (ECI) points, 15 membership points, 54 retirement points, and a satisfactory year for reserve retirement since he earned more than 50 points during RYE 9 January 2007.

For the period 10 January 2007 through 9 January 2008, the applicant was credited with 15 AD points, 4 IDT points, 0 ECI points, 15 membership points, 34 retirement points, but was not credited with a satisfactory year for reserve retirement since he earned less than 50 points during RYE 9 January 2008.

Reserve members are credited with a year of satisfactory federal service for retirement when they earn a minimum of 50 points (including membership points) in a full Retention/Retirement (R/R) year.  Points are earned as follows: one point for each day of active duty (AD); one point for four hours of IDT, not to exceed two points per calendar day; and one point for each three study hours of ECI courses. Fifteen membership points are also earned for a full R/R year.

The R/R year for a member of the Reserve components begins on one day of one year and ends on the preceding day of the next year. For those members assigned to an active Reserve status on or before 30 September 1995, the R/R date begins on the date of their assignment to an active Reserve status. For those members assigned to an active Reserve status on or after 1 October 1995, the R/R date is established as the date of initial entry into uniform service (DIEUS), and a new R/R date is not established if they transfer between Reserve components, or from a Regular component.

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AIR FORCE EVALUATION:

ARPC/DPP recommends the requested relief be denied.

While assigned to the 610th SFS, the applicant applied for an assignment to the participating Individual Ready Reserve at HQ Air Force Security Forces Center at Lackland AFB, TX. He states the command felt his civilian employer presented a conflict-of-interest and prevented him from performing IDT from 15 August 2006 until 9 February 2007. He was subsequently assigned to the Obligated Reserve Section for failure to obtain a unit of attachment and, one month later, was assigned to the 37th SFS at Lackland AFB, TX, effective 13 March 2007.

As part of this application, the applicant submitted a request for non-pay active duty points, and his point credit history for RYE 9 January 2008 was corrected to show 15 AD points, 4 IDT points, 0 ECI points, 15 membership points, 34 total retirement points, and an unsatisfactory federal service year.

The applicant states the reason for an unsatisfactory retirement year for RYE 9 January 2008 is the fact that he was not allowed to participate. During the six months the applicant was negotiating with HQ Air Force Security Forces concerning the conflict-of-interest, he had already earned more than the minimum amount of points for a satisfactory year of service for RYE 9 January 2007. After the applicant was transferred to the 37th SFS in March 2007, he had sufficient opportunity during the next 10 months to adequately participate to earn the minimum 50 points necessary for a satisfactory year of service for RYE 9 January 2008.

If this application is approved, they recommend that for RYE 9 January 2008 he be awarded an additional 16 non-paid IDT points, resulting in 15 ADT points, 20 IDT points, 0 ECI points, 15 membership points, 50 total retirement points, and a satisfactory federal service year.

The ARPC/DPP evaluation is at Exhibit B.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A complete copy of the evaluation was forwarded to the applicant on 31 October 2008, for review and comment, within 30 days. However, as of this date, no response has been received by this office.

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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.  Insufficient relevant evidence has been presented to demonstrate the existence of error or injustice. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinion of the Air Force office of primary responsibility that the applicant has not been the victim of an error or injustice as there is no evidence that he did not have sufficient opportunity during the 10 months after his assignment to the 37th SFS to earn the additional 16 points he needed for a satisfactory year of service for RYE 9 January 2008. Therefore, in the absence of evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application.

4.  The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issue(s) involved. Therefore, the request for a hearing is not favorably considered.

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THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

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The following members of the Board considered Docket Number BC-2008-03272 in Executive Session on 16 December 2008, under the provisions of AFI 36-2603:

Ms. Charlene M. Bradley, Panel Chair

Mr. Alan A. Blomgren, Member

Mr. Elwood C. Lewis, III, Member

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 3 Sep 08, w/atchs.

Exhibit B. Letter, ARPC/DPP, dated 23 Oct 08, w/atch.

Exhibit C. Letter, SAF/MRBR, dated 31 Oct 08.

CHARLENE M. BRADLEY

Panel Chair