RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2010-01641

INDEX CODE: 135.02

XXXXXXXXXX COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His records be corrected to show his Retention/Retirement (R/R) year (11 Aug 06 through 10 Aug 07) was a satisfactory year of Federal service.

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APPLICANT CONTENDS THAT:

He was originally scheduled for Annual Training from 28 Jul 07 through 11 Aug 07. His annual training was postponed due to mission requirements and did not take place until 28 Aug 07 through 9 Sep 07, after the close-out of his R/R year. He was not counseled or advised as to the impact this would have on his career. As a result, he did not attain enough points to earn a satisfactory R/R year.

In support of his request, the applicant provides copies of his original and amended Annual Training orders, point credit summary, and a supporting statement from his commander.

The applicant’s complete submission, including attachments, is at Exhibit A.

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STATEMENT OF FACTS:

Information extracted from the Military Personnel Data System (MilPDS) indicates the applicant is currently serving in the Air Force Reserve in the grade of staff sergeant (E-5), effective and with a date of rank of 1 Oct 10. His service history reflects he has four years of satisfactory Federal service as of 9 Nov 10. His R/R Year Ending 11 Aug 07 reflects he was credited with 47 retirement points (32 inactive duty training points and 15 membership points), constituting an unsatisfactory year of Reserve service.

In accordance with DoD Instruction 1215.07, *Service Credit for Reserve Retirement,* A qualifying year of service for nonregular retired pay is a full year during which a Regular or Reserve member is credited with a minimum of 50 retirement points.

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AIR FORCE EVALUATION:

AFRC/A1K recommends denial, indicating there is no evidence of an error or injustice. In accordance with AFMAN 36-8001, *Reserve Personnel Training Requirements,* each member must ensure that all general training requirements are met. The applicant rescheduled his previously planned annual tour from 28 Jul 07 through 11 Aug 07 to 25 Aug 07 through 8 Sep 07 because he attended the Prescott Valley Police Academy from Jan 07 through Aug 07. This subsequent change in annual tour completion date caused him not to accomplish an annual tour during the R/R year in question.

A complete copy of the AFRC/A1K evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 4 Jun 10 for review and response within 30 days. As of this date, no response has been received by this office (Exhibit D).

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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 an injustice with respect to the applicant’s R/R Year Ending 11 Aug 07. The applicant claims that he failed to attain a satisfactory year of Federal service because his Annual Training period was postponed due to mission requirements. After a thorough review of the evidence of record and the applicant’s complete submission, we believe the applicant has raised sufficient doubt as to the circumstances surrounding the postponement of his Annual Training period. We note the comments by AFRC/A1K indicating the applicant failed to exercise due diligence in ensuring he met his general training requirements during the year in question. Nonetheless, to preclude the possibility of an injustice, we believe any doubt should be resolved in favor of the applicant. Therfore, we recommend 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 related to the APPLICANT be corrected to show that he was awarded an additional three non-paid inactive duty training points for retention/retirement year 11 August 2006 through 10 August 2007, resulting in 50 total points; and that the period 11 August 2006 through 10 August 2007 is a year of satisfactory Federal service.

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The following members of the Board considered AFBCMR Docket Number BC-2010-01641 in Executive Session on 23 Nov 10, under the provisions of AFI 36-2603:

Mr. XXXXXXXXXX, Chair

Mr. XXXXXXXXXX, Member

Mr. XXXXXXXXXX, Member

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

    Exhibit A. DD Form 149, dated 5 Jan 10, w/atchs.

Exhibit B. Applicant's Master Personnel Records.

Exhibit C. Letter, AFRC/A1K, dated 20 May 10.

Exhibit D. Letter, SAF/MRBR, dated 4 Jun 10.

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Panel Chair