RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2010-03531

XXXXXXX COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

He be credited with satisfactory service for retirement for the period after Operation IRAQI FREEDOM through 19 Dec 09.

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APPLICANT CONTENDS THAT:

He should be credited time in service for his entire 6-year enlistment which would have ended on 31 Jan 09 as indicated on his Reserve Identification Card.

In support of his request, the applicant provides copies of his Uniform Services Identification Cards.

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

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STATEMENT OF FACTS:

The applicant’s military personnel records indicate that he served in the Air National Guard (ANG) in the grade of technical sergeant (E-6).

The remaining relevant facts pertaining to this application, extracted from the applicant’s military personnel records, are described in the letter prepared by the Air Force office of primary responsibility (OPR) which is attached at Exhibit C.

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AIR FORCE EVALUATION:

ARPC/DPP recommends denial, indicating there is no evidence of an error or injustice. The applicant enlisted in the ANG for 6 years on 1 Feb 03. On 15 Dec 03, he was released from active duty due to demobilization. He subsequently requested that he be transferred into the retired reserve with an effective date of 21 Dec 03. He was honorably discharged from the Missouri ANG, effective 19 Dec 03, and transferred to the USAFR, effective 20 Dec 03. He was assigned to the Retired Reserve on 21 Dec 03, in accordance with his request. However, he believes he should be credited with time in service for the entire 6-year enlistment which would have ended on 31 Jan 09. However, since he retired, effective 21 Dec 03, he cannot be given any further credit. His Retired Reserve Identification Card reflects the correct date based on his retirement.

A complete copy of the ARPC/DPP evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant acknowledges that he was transferred to the retired reserve in 2003; however, as a member of the retired reserve, he continued to maintain a reserve status by enlistment through 19 Dec 09. In support of his response, the applicant provides an expanded statement (Exhibit E).

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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 not timely filed; however, it is in the interest of justice to excuse the failure to timely file.

3.  Insufficient relevant evidence has been presented to demonstrate the existence of an error or injustice. After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of an 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 the applicant. Absent persuasive evidence the applicant was denied rights to which he was entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

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THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of material error or injustice; the application was denied without a personal appearance; and 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 AFBCMR Docket Number BC-2010-03531 in Executive Session on 25 May 11, under the provisions of AFI 36-2603:

Ms. XXXXXXXXXX, Panel Chair

Mr. XXXXXXXXXX, Member

Mr. XXXXXXXXXX, Member

The following documentary evidence was considered:

Exhibit A.  DD Form 149, dated 12 Sep 10, w/atchs.

Exhibit B.  Applicant's Master Personnel Records.

Exhibit C.  Letter, ARPC/DPP, dated 13 Jan 11, w/atchs.

Exhibit D.  Letter, SAF/MRBR, dated 28 Jan 11.

Exhibit E.  Letter, Applicant, dated 1 Feb 11.

XXXXXXXXXX

Panel Chair