RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2010-03758

XXXXXXX COUNSEL: NONE

HEARING DESIRED: NO

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APPLICANT REQUESTS THAT:

He be entitled to Post Deployment/Mobilization Respite Absence (PDMRA).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APPLICANT CONTENDS THAT:

He was denied an opportunity to take leave under the PDMRA due to administrative error.

In support of his request, the applicant submits extracts from his military records

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

STATEMENT OF FACTS:

The applicant is a member of the West Virginia Air National Guard (ANG).

On 19 January 2007, Secretary of Defense (SecDef) released a memorandum, *Utilization of the Total Force*, directing the service secretaries to establish a new program to compensate individuals who are required to mobilize or deploy beyond the established rotational policy goals.

On 18 April 2007, the Under Secretary of Defense released a memorandum, *Programs to Support Utilization of the Total Force*, establishing PDMRA as a new category of administrative absence. PDMRA accrues to reserve component members when their creditable mobilized service exceeds 12 months in a rolling 72-month window as follows: one day for each month of mobilized service between 12 and 18 months, two days for each month of mobilized service between 18 and 24 months, and four days for each month of mobilized service in excess of 24 months. The rolling window must culminate with tour of mobilized service occurring on or after 1 Jan 07 in order for PDMRA to accrue.

According to the 1 Oct 07 HQ USAF/A1P PDMRA implementation guidance, mobilizations starting no earlier than 7 Oct 01 are creditable in calculating the PDMRA entitlement. Creditable mobilizations are defined as those under Title 10, United States Code (USC), Sections 12301(A) (Full Mobilization), 12302 (Partial Mobilization), or 12304 (Presidential Reserve Call-up). Additionally, voluntary deployed service to Afghanistan or Iraq under 10 USC 12301(d) since 7 Oct 01 is also creditable for the purpose of PDMRA.

On 26 October 2009, AFI 36-3003, *Military Leave Program*, was revised to include PDMRA as a form of administrative absence.

On 11 June 2010, NGB/A1 released amplifying information/guidance regarding the calculation and documentation of PDMRA usage/ entitlements.

To date, approximately 61 members of the 130th Airlift Wing (AW), West Virginia ANG, have submitted AFBCMR appeals, contending they were not afforded the opportunity to utilize their PDMRA credit accrued since the program’s inception.

The remaining relevant facts pertaining to this application, extracted from the applicant’s military records, are contained in the letters prepared by the appropriate office of the Air Force. Accordingly, there is no need to recite these facts in this Record of Proceedings.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

AIR FORCE EVALUATION:

NGB/A1PR recommends the applicant be compensated for 30 days of PDMRA and states, in part, that if PDMRA would have been implemented prior to the applicant’s demobilization date, he would have earned 30 days of PDMRA. During the 2009 mobilization, the applicant earned 30 days of PDMRA for 27 months of creditable mobilized service within the 72-month rolling window.

The member’s squadron and the unit Installation Personnel Readiness (IPR) were unfamiliar with the requirements of the PDMRA program when members of their wing were being demobilized in 2009. The calculations needed to capture creditable and applicable deployments for PDMRA are extremely complex and require extensive program knowledge for correct execution. Due to the lack of program knowledge by the squadron, many members of the wing were not informed of their earned PDMRA credit. Execution of PDMRA continues to be a challenge for all service components and the SecDef is currently looking into the program for further simplification.

Complete copies of the NGB/A1PR evaluations are at Exhibits C and D.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 25 Feb 11 for review and comment within 30 days. As of this date, no response has been received by this office (Exhibit E).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 error or injustice. We took notice of the applicant's complete submission in judging the merits of the case and agree with the opinion and recommendation of the Air National Guard office of primary responsibility and adopt its rationale as the basis for our conclusion the applicant has been the victim of an error or injustice. We agree that it is unjust that, through no fault of his own, the applicant was not provided an opportunity to utilize the provisions of the PDMRA, due to the wing’s failure to properly implement the program. In view of this, and noting the applicant was otherwise eligible, we recommend his records be corrected to the extent indicated below.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to the APPLICANT, be corrected to show that he was not released from active duty on 6 March 2009, but on that date he was placed in an administrative absence status for a period of 30 days, and on 5 April 2009 was released from active duty.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The following members of the Board considered AFBCMR Docket Number BC-2010-03758 in Executive Session on 4 May 11, under the provisions of AFI 36-2603:

Mr. XXXXXXXXXX, Panel Chair

Mr. XXXXXXXXXX, Member

Mr. XXXXXXXXXX, Member

All members voted to correct the records as recommended. The following documentary evidence pertaining to AFBCMR Docket Number BC-2010-03758 was considered:

Exhibit A.  DD Form 149, dated 6 Aug 10, w/atchs.

Exhibit B.  Applicant's Master Personnel Records.

Exhibit C.  Letter, NGB/A1PR, dated 9 Dec 10, w/atchs.

Exhibit D.  Letter, NGB/A1PR, dated 3 Feb 11

Exhibit E.  Letter, SAF/MRBR, dated 25 Feb 11.

XXXXXXXXXX

Panel Chair