

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00447
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His enlistment pay grade be changed from senior airman (SrA, E-4) to staff sergeant (SSgt, E-5).

THE APPLICANT CONTENDS THAT:

He served in the Navy from 6 Aug 2001 to 5 Aug 2006.

He was promoted to E-5 on 16 Sep 2004 while in the Navy.

He enlisted in the Air Force on 30 Jun 2011 for four years.

AFPC downgraded his rank based on minimum Total Active Federal Military Service (TAFMS) requirements in accordance with AFI 36-2002, *Regular Air Force and Special Category Accessions*, Paragraph A4.2.3 and AFRSI 36-2001, *Recruiting Procedures for the Air Force*, table A2.1, Line 7, note 9. Both of these instructions clearly state these TAFMS requirements are for enlistment to a higher pay grade than last held in the regular component. He held E-5 from 16 Sep 2004 to 5 Aug 2006 and was frocked to the grade of E-5 on 10 May 2004 while he was in the Navy.

In support of his request, the applicant provides a personal statement, copies of DD Form 214, *Certificate of Release or Discharge from Active Duty*, Navy promotion letter, and excerpts from AFI 36-2002 and AFRSI 36-2001.

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

STATEMENT OF FACTS:

The applicant served in the United States Navy from 6 Aug 2001 through 5 Aug 2006, and held the grade of E-5 at the time of his discharge, having assumed that grade effective and with a date of rank of 16 Sep 2004. He was credited with 5 years of active duty service.

He contracted his enlistment in the Regular Air Force on 30 Jun 2011, for a period of four years in the grade of senior airman (E-4).

In accordance with AFI 36-2002, the minimum TAFMS requirements for enlistment in a higher pay grade than last held in the Regular Air Force or when the last Regular component was non-USAF is five years and six months.

AIR FORCE EVALUATION:

HQ AFPC/DPSIPE recommends denial. DPSIPE states the applicant feels that the TAFMS requirement is for enlistment to a higher pay grade than last held in the regular component. It is his understanding that since he is not requesting the grade of E-6, he is entitled to retain the grade held in previous service.

DPSIPE states, in part, that the applicant's enlistment grade of E-4 was determined correctly as outlined in governing directives. The minimum amount of TAFMS required to enlist in the Regular Air Force in the grade of E-5 is five years and six months; the applicant's TAFMS is five years.

The complete DPSIPE evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

DPSIPE accurately describes his position by stating, "The applicant feels that the TAFMS requirement is for enlistment in a higher pay grade than last held in the regular component. It is his understanding that since he is not requesting the grade of E-6, he is entitled to retain the grade held in previous service."

He asserts that DPSIPE misinterpreted both AFI 36-2002 and AFRSI 36-2001. These are the same references that support his claim. DPSIPE is holding him to TAFMS requirements that do not apply to him. He was an E-5 in a regular component (the Navy) and he is not asking for a higher pay grade than he held in the Navy.

AFRSI 36-2001, Table A2.1., Enlistment Grade Determination for Prior Service Enlistees, line 7, states if the applicant last separated from a sister service regular component, the grade will be the grade in which the applicant last separated from that component.

His complete response is at 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. 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 and recommendation of the Air Force Air Force office of primary responsibility and adopt its rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice. We note the applicant's view that the applicable policy pertaining to his circumstance is being misinterpreted; however based on our own review of the governing policy, while we concede the policy could have been written more clearly, we find the interpretation by the Air Force OPRs to be correct. In reference to AFI36-2002, A4.2, Prior Service Date of Rank and Enlistment Grade, we interpret the TAFMS for enlistment in a higher grade as only pertaining to Regular Air Force personnel. Because the TAFMS required for Regular Air Force members seeking to enlist in a higher grade and the TAFMS for enlistment by non-USAF Regular component members is the same for the grades indicated, the AFI combined both requirements in a single sentence. As stated in subparagraph A4.2.3.2., the requirement for enlistment in the grade of E-5 is 5 years and 6 months. Likewise, AFRSI36-2001, Table A2.1, Line 7, is more clear since it avoids use of the phrase "enlistment in a higher grade" and clearly refers the reader to note 9.2, which also requires 5 years and 6 months TAFMS. Therefore, in the absence of evidence to the contrary we find no basis to recommend granting the relief sought in this application.

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.

The following members of the Board considered Docket Number BC-2012-00447 in Executive Session on 2 Aug 2012, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered in AFBCMR BC-2012-00447:

- Exhibit A. DD Form 149, dated 16 Feb 2012, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSIPE, dated 10 Apr 2012.
- Exhibit D. Letter, SAF/MRBR, dated 18 Apr 2012.
- Exhibit E. Letter, Applicant, undated.

Panel Chair