

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00600
COUNSEL: NONE
HEARING DESIRED: YES

APPLICANT REQUESTS THAT:

His honorable discharge be changed to a Reserve retirement.

APPLICANT CONTENDS THAT:

He was transferred to the Civil Air Patrol for two years which was not included in his satisfactory service credit.

He did not request his discharge because of his pending disability claim with the Department of Veterans Affairs (DVA).

In support of his request, the applicant provides a personal statement, copies of his DD Form 215, *Correction to DD Form 214 Certificate of Release or Discharge from Active Duty*; DD Form 256AF, *Honorable Discharge Certificate*; AF Form 526, *ANG/USAFR Point Credit Summary*; AF Form 1887, *Request and Authorization for Aeronautical Orders*, DVA Statement of Patient's Treatment and various other documents associated with his request.

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

STATEMENT OF FACTS:

On 31 Mar 2000, the applicant was honorably discharged in the grade of lieutenant colonel (Lt Col, O-5) via Reserve Order CB-67.

According to DVA Statement of Patient's Treatment, the applicant received a 100 percent service connected disability rating from the DVA.

The remaining relevant facts pertaining to this application, extracted from the applicant's available military records, are contained in the letter prepared by the appropriate office of the Air Force Office of Primary Responsibility (OPR). Accordingly, there is no need to recite these facts in this Record of Proceedings.

AIR FORCE EVALUATION:

ARPC/DPTT recommends denial. DPTT states under Concurrent Retirement and Disability Pay (CRDP), a member rated at least 50 percent by the DVA can receive compensation from the DVA and not have that amount reduced from their military retirement. To establish eligibility for Reserve retired pay, a member must complete 20 years of satisfactory service. However, according to DPTT records, the applicant did not complete 20 years of satisfactory service; therefore, he is not eligible for Reserve retired pay or CRDP. His military records indicate he completed 17 years, 6 months, and 15 days of satisfactory service as of 31 March 2000, the date of his discharge from the United States Air Force Reserves. Documentation to show he participated in the Civil Air Patrol is not available and not included in his satisfactory service.

The complete DPTT evaluation, with attachment, is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

On 20 Sep 2012, a copy of the Air Force evaluation was forwarded to the applicant for review and comment within 30 days. As of this date, no response has been received by this office (Exhibit D).

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 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 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. Therefore, in the absence of evidence to the contrary, we find no 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.

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 this application in Executive Session on 7 Nov 2012, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered in AFBCMR BC-2012-00600:

- Exhibit A. DD Form 149, dated 1 Aug 2011, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, ARPC/DPTT, dated 20 Sep 2012, atch.
- Exhibit D. Letter, SAF/MRBR, dated 20 Sep 2012.

Panel Chair