

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00816

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His grade/rank on his DD Form 214, *Certificate of Release or Discharge from Active Duty*, be corrected to reflect staff sergeant/E5.

APPLICANT CONTENDS THAT:

The DD Form 214 that was processed on 30 January 2012 is incorrect. His rank should be reflected as staff sergeant as referenced on his retirement orders.

In support of his request, the applicant submits his retirement orders.

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

STATEMENT OF FACTS:

The applicant is a former member of the regular Air Force. On 31 October 2011, pursuant to an Informal Physical Evaluation Board, he was found unfit due to physical disability. On 21 November 2011, the Secretary of the Air Force directed he be permanently retired. He was honorably retired on 28 January 2012 and credited with 5 years, 11 months and 5 days of active duty service. The applicant's grade was listed as senior airman/E4, with an effective date of rank of 8 April 2009.

AIR FORCE EVALUATION:

AFPC/DPSOE recommends denial. The applicant was considered and tentatively selected for promotion to the grade of staff sergeant during promotion cycle 11E5. His promotion sequence number, 3574.0 would have incremented on 1 December 2011; however, he was found unfit for further military service on 21 November 2011.

In accordance with AFI 36-3212, airmen are ineligible for promotion in a particular cycle if they have been determined by the Secretary of the Air Force to be unfit to perform the duties of their grade because of physical disability. When promotion eligibility code "L" was updated, effective 21 November 2011, the applicant's projected promotion was removed.

Members who are retired on or after 23 September 1996 may be retired in the regular or reserve grade to which they had been selected and would have been promoted had it not been for the physical disability for which they were retired. This is for retirement and pay purposes only. The DD Form 214 reflects the active duty grade the member held at the time of separation. The retirement order also reflects the applicant's highest grade held on active duty as senior airman.

The complete DPSOE evaluation is at Exhibit C.

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 office of primary responsibility and adopt its rationale as the basis for our conclusion that the applicant has not clearly established that he has 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.

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 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 AFBCMR Docket Number BC-2012-00816 in Executive Session on 24 July 2012, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 13 Feb 12, w/atck.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSOE, dated 4 Apr 12.
- Exhibit D. Letter, SAF/MRBR, dated 30 Apr 12.

Panel Chair