

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01114
COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His official records be corrected to show:

1. He received 6.21 years of active duty service credit for his military service from 15 Mar 94 to 11 Aug 02, instead of 4 years, 2 months, and 14 days.
2. His Date to Rank (DOR) to major (O-4) was 20 May 06, instead of 1 Mar 07.
3. He was selected for promotion to the grade of Lieutenant Colonel (Lt Col) in 2010.

APPLICANT CONTENDS THAT:

He should have received active duty credit for his service prior to entering the Uniformed Services University of the Health Sciences (USUHS). He served on active duty from 15 Mar 94 to 11 Aug 02. He should have received credit for 50 percent of this period, or 1,536 days, and two years of constructive education credit for completing his Master's degree in Dec 98. Taken together, he should have had 6.21 years of additional service credit, graduated from USUHS as a Major on 10 May 06, and met the Lt Col selection board in-the-primary-zone in 2010 rather than 2011. Given the 100 percent promotion rate to Lt Col for physicians, he should have been selected for Lt Col in 2010.

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

STATEMENT OF FACTS:

The applicant initially entered active duty as a Second Lieutenant (2Lt), Line of the Air Force (LAF), on 15 Mar 94 and was progressively promoted to the grade of Captain (Capt) on 15 Mar 98.

The applicant completed his Masters Degree in Dec 98, while serving on active duty.

On 11 Aug 02, the applicant was released from active duty as a LAF officer in order accept a commission in the Medical Service Corps (MSC) in the grade of 2Lt. He attend USUHS in student status during the period 12 Aug 02 until his graduation on 20 May 06, at which time he was commissioned a captain in the MSC.

The applicant was subsequently awarded 6 years, 2 months, and 14 days of entry grade credit, which resulted in his date of rank for the grade of captain being adjusted to 6 Mar 00.

Per AFI 36-2005, *Appointment in Commissioned Grades and Designation and Assignments in Professional Categories-Reserve of the Air Force and United States Air Force*, Table 2.4., Rule 9, one half a year of service credit is granted for each year of active duty service the applicant has completed not in the professional specialty in which being appointed.

On 1 Mar 07, the applicant was promoted to the grade of major (O-4).

On 17 Jul 12, AFPC/DPAMF2 notified the applicant they had revalidated his prior active duty service time from 15 Mar 94 to 11 Aug 02 for the purpose of computing the appropriate service credit. As the applicant's prior service overlapped with the period for which he received service credit for his advanced degree, they administratively corrected his records to show he received 3 years, 2 months, and 14 days credit for his service prior to attending USUHS.

The remaining relevant facts pertaining to this application are described in the letters prepared by the Air Force offices of primary responsibility which are included at Exhibits C and D.

AIR FORCE EVALUATION:

AFPC/DPSI recommends denial indicating there is no evidence of an injustice. A recent review of the applicant's initial DOR computation revealed his initial DOR was calculated incorrectly. The applicant was erroneously awarded dual credit for his advanced degree and the period of service, a portion of which occurred during the same timeframe. According to DoD Instruction 6000.13, *Medical Manpower and Personnel*, Paragraph 6.1, a period of time shall be counted only once when computing entry grade credit. The two years of the advanced degree credited should have been subtracted from his prior service time period prior to the computation; his prior service equated to 8 years, 4 months, and 27 days. Thus, his prior active duty service for the purpose of computing service credit should be

6 years, 4 months, and 27 days; and at 50 percent credit, his credit from prior service should have been 3 years, 2 months, and 14 days. Therefore, the two years of credit for his degree, plus his 3 years, 2 months, and 14 days credit for prior service resulted in a total credit of 5 years, 2 months, and 14 days constructive grade entry level credit. However, it appears the applicant was actually given 6 years, 2 months, and 14 days of credit, resulting in his DOR to captain being adjusted to 6 Mar 00 when it should have been established as 6 Mar 01. In effect, the applicant received one more year of DOR credit than he was actually entitled to receive. As such, his justification for an earlier date of rank is obsolete. With respect to the error identified in his initial calculations, AFPC/DPSI does not recommend adjustment to his DOR based upon the fact he has already met a Major promotion board and has been effectively promoted. Therefore, his current DOR to Major should remain 1 Mar 07.

A complete copy of the AFPC/DPSI evaluation is at Exhibit C.

AFPC/DPAN recommends partial approval of his request for service credit. IAW DoDI 1312.3, *Service Credit For Commissioned Officers*, and AFI 36-2005, *Appointment in Commissioned Grades and Designation and Assignment in Professional Categories—Reserve of the Air Force and the United States Air Force*, Table 2.4, a period of time or qualification shall be counted only once. To prevent awarding dual credit for the same period of time when calculating credit for his MPA degree count backwards two years from the date the degree was awarded. Once the two years credit is awarded for the MPA, the two years are then subtracted from the 8 years, 4 months, and 26 days of active duty service time from 15 Mar 94 to 11 Aug 02. Then 50 percent credit is awarded toward the remaining 6 years, 4 months, and 26 days according to Table 2.4, Rule 9, awarding him 3 years, 2 months, and 14 days credit for his prior service time. Then, add his two years of credit for his MPA and his 3 years, 2 months, and 14 days credit for his prior service time which totals 5 years, 2 months, and 14 days credit towards his DOR.

A complete copy of the AFPC/DPAN evaluation is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 7 Aug 12 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 is timely filed.
3. Insufficient relevant evidence has been presented to demonstrate the existence of an error or injustice warranting correction of the applicant's records. 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 AFPC/DPSI and adopt its rationale as the basis for our conclusion the applicant has not provided sufficient evidence to justify favorable consideration of his requests. 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 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.

The following members of the Board considered AFBCMR Docket Number BC-2012-01114 in Executive Session on 23 Oct 12, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 13 Mar 12.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSI, dated 1 Aug 12, w/atchs.
- Exhibit D. Letter, AFPC/DPAN, dated 2 Aug 12, w/atchs.
- Exhibit E. Letter, SAF/MRBR, dated 7 Aug 12.

Panel Chair