

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01291

COUNSEL: NONE

HEARING DESIRED: YES

APPLICANT REQUESTS THAT:

Block 12c of her DD Form 214, *Certificate of Release or Discharge from Active Duty*, be corrected to reflect she was credited with seven years of active service, rather than three.

APPLICANT CONTENDS THAT:

The years she spent at the Uniformed Services University of the Health Sciences (USUHS) should be credited as active service based upon the pay and benefits she received during that period. This change will allow her to transfer her GI Bill to her daughter.

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

STATEMENT OF FACTS:

The applicant served as a student at USUHS during the period 8 Feb 04 to 16 May 08 and entered active military service on 17 May 08.

On 23 Oct 11, she was permanently retired as the result of a physical disability and was credited with three years, five months, and seven days of active service.

The remaining relevant facts pertaining to this application are described in the letter prepared by the Air Force office of primary responsibility which is included at Exhibit C.

AIR FORCE EVALUATION:

AFPC/DPSIPV recommends denial, indicating there is no evidence of an error or injustice. The applicant requests the period of time she served as a student at USUHS be documented as active

duty time on her DD Form 214. However, the applicant signed a USUHS Military Service Obligation Contract on 28 Jan 04, which states "while in the program, officers are not on the active duty roster of any service and, consequently are not eligible for promotion; moreover, such service is not counted: a. In determining eligibility for retirement, other than by reason of a physical disability incurred while on active duty as a member of the program; and b. In computing year of service creditable for basic pay." Therefore, IAW Title 10, USC § 2126, she was not credited with active service on her DD Form 214 for the time spent in USUHS as such time is not creditable towards retirement.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 30 May 12 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 timely filed.
3. Insufficient relevant evidence has been presented to demonstrate the existence of an 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 (OPR) and adopt its rationale as the basis for our conclusion the applicant has not been the victim of an error of 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 issues involved. Therefore, the request for a hearing is not favorably considered.

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-2012-01291 in Executive Session on 18 Sep 12, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 19 Mar 12.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSIPV, dated 17 May 12. w/atchs.
- Exhibit D. Letter, SAF/MRBR, dated 30 May 12.

Panel Chair