

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01383
COUNSEL: NONE
HEARING DESIRED: YES

APPLICANT REQUESTS THAT:

The 22-month extension of his enlistment contract entered on 31 May 11, be cancelled and his original date of separation (DOS) be restored.

APPLICANT CONTENDS THAT:

His extension was submitted for joint spouse orders to Andrews AFB (AAFB); however, the assignment was cancelled due to him not being able to obtain the appropriate security clearance.

His original enlistment still had approximately one year and five months remaining for a regular state-side permanent change of station (PCS) since AAFB was considered a three-year controlled tour.

His previous Military Personnel Flight (MPF) at Ramstein AB told him that the extension should be voided, and that the paperwork would need to be signed by his new commander at XXXXXXXX, AFB. He was told as long as he had not reached his original DOS and entered into the extension he would be able to cancel at anytime.

In support of his request, the applicant provides copies of his enlistment extension cancellation request, Change of Projected Assignment Data RIP, and other documents related to his PCS assignment.

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

STATEMENT OF FACTS:

The applicant is currently serving on active duty in the grade of staff sergeant. His total active federal military service date (TAFMSD) is 19 Nov 02.

On 16 Mar 11, the applicant accepted a PCS assignment to AAFB.

On 31 May 11, the applicant extended his enlistment 22-months to obtain retainability for a PCS to AAFB. The extension established a new DOS of 12 Sep 14.

The assignment to AAFB was cancelled in Jun 11, due to the applicant not being able to obtain the required security clearance.

AIR FORCE EVALUATION:

AFPC/DPSOA recommends denial. DPSOA states AFI 26-2606, *Reenlistments in the USAF*, paragraph 6.12.4 allows members to request cancellation of extensions when the reason for the extension was cancelled or no longer exists; cancellation requests under this rule must be submitted within 30 days of the cancellation of the reason for extension. Paragraph 6.12.4 also states the Air Force will consider failure to cancel the extension within the 30 day period as willingness on the Airman's part to serve out the extension. Additionally, the applicant initialed the following statements "I must request cancellation within 30 calendar days of the date I am notified the original reason for which I extended no longer exists," and "Failure to cancel the extension within the 30 calendar day time limit will be considered a willingness on my part to serve out the extension."

The complete DPSOA evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

He had every intention on cancelling his extension on the day of notification of his assignment change in Jun 11. He was following instructions of a fellow noncommissioned officer (NCO) who was the subject expert at the MPF.

Before he PCS'd from Ramstein AFB, he told the NCO that he wanted to cancel his extension. The NCO told him since he only had two weeks before his PCS; he should initiate the cancellation at his gaining base. He was told he could cancel his extension anytime as long as he did not enter that extension date of Nov 12.

The only reason for his 22-month extension was to fulfill a requirement for a base that would allow military joint spouse, so that he could be with his wife and daughter. He and his family have been denied "military joint spouse" for two PCS tours in a row for three years.

He humbly asks that his original DOS of 12 Nov 12, be reinstated, as this is causing stress and hardship for him and his family. He asks that he be allowed to finish out the remainder of his active duty enlistment.

In support of his appeal, the applicant provides a statement from his commander, and a letter from his psychologist.

The applicant's complete response, with attachments, 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. Sufficient relevant evidence has been presented to demonstrate the existence of an error or injustice warranting relief. We note the applicant has been geographically separated from his family for over two years and was approved for a joint spouse assignment which required him to extend his enlistment to accept the assignment. However, due to not meeting the appropriate security clearance requirements, the assignment was cancelled and the applicant did not submit a request to cancel his extension within 30 days as required by the AFI. He now requests the Board cancel his extension as it is causing an extreme amount of hardship and stress for him and his family. We note the office of primary responsibility (OPR) recommends denial based on the fact the applicant did not cancel his enlistment extension within 30 days. However, the applicant states he was advised by the Military Personnel Flight (MPF) that he could submit his request to cancel his extension at his gaining location. Additionally, the applicant's commander via letter, states through no fault of his own he was misinformed on the procedures to cancel his extension. The commander also notes he is a stellar performer and indicates she is aware of his family and financial matters due to their family separation; she fully supports his request. The applicant also provides a letter from a licensed psychologist stating he has presented for counseling to cope with the significant increase in stress from the burden the geographic separation from his family has caused both financially and emotionally and also recommends his extension be cancelled. In view of the totality of the circumstances in this case, we do not find it reasonable that he would have knowingly elected not to cancel his extension when his main goal all the while was to be with his family. Therefore, we find the evidence presented sufficient to determine he was miscounseled on the procedures to cancel his extension. Accordingly, in the interest of justice, we recommend his records be corrected as indicated below.

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 involved. Therefore, the request for a hearing is not favorably considered.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that his 22-month extension of his 13 Nov 08 enlistment contract, executed on 31 May 11, be declared void and replaced with a 2-month extension on 1 Oct 12, establishing his date of separation as 12 Jan 13.

The following members of the Board considered AFBCMR Docket Number BC-2012-01383 in Executive Session on 4 Oct 12, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 11 Apr 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSOA, dated 23 May 12.
- Exhibit D. Letter, SAF/MRBR, dated 4 Jun 12.
- Exhibit E. Letter, Applicant, dated 10 Jul 12, w/atchs.

Panel Chair