

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01441

COUNSEL: NONE

HEARING DESIRED: YES

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APPLICANT REQUESTS THAT:

1. Her official records be corrected to show her Commissioning Grade Date of Rank (CGDOR) to Captain (Capt) is 15 Jun 04.
2. Should her request for a CGDOR of 15 Jun 04 not be granted, her CGDOR be corrected to 15 Jun 06, 11 Jan 07, or 11 Jan 08.

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APPLICANT CONTENDS THAT:

1. Her service credits were inaccurately computed upon her entry onto extended active duty. Specifically, she should have received 100 percent Constructive Service Credit (CSC) versus 50 percent because IAW AFI 36-2005, Table 2.5, Rule 45, Note 13, she is a direct appointment with prior commissioned service. Note 13 states "For competitive category transfer to the BSC, Medical Services Corps (MSC), or Nurse Corps (NC), award one year for each year of prior service..." She was still a commissioned officer because she never resigned her commission. Her Separation Code is FBK (Expiration of Term of Service). Therefore, she should have received total credit toward her CGDOR of four years, six months, and 26 days due to having earned 2 years, 6 months, and 26 days CSC and two years Educational Credit. However, in Jan 09, when she reentered active duty in the Biomedical Services Corps (BSC), she was provided an estimate showing she would receive one year and three months total credit toward her CGDOR to Capt, placing her DOR to Capt in Jan 08. However, in Mar 10, her date of rank was unjustly reduced by 12 months from Jan 08 to Jan 09.
2. Her two years of educational credit should not overlap with periods of her military service. She enrolled in her Master's Degree program in 1997 and completed it in Dec 04. For the first five years of this period, she was not in the military. Upon reentering the military in the BSC, she was initially awarded two full years of credit without specifying which dates were the dates for which she received the educational credit. The dates for which she was given credit changed three times.

3. Her Inspector General (IG) complaint was unfairly reviewed by the same person and office which made the original error.

4. An AF Form 24, *Application for Appointment as Reserve of the Air Force or USAF without Component*, in her enlisted records was forged with her initials and signature.

In support of her contentions the applicant submits an expanded statement, and copies of e-mails, a SAF/LL Letter, her IG Complaint and response, and excerpts from AF Instructions, and her military and educational files.

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

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STATEMENT OF FACTS:

According to the information provided to the applicant by AFPC/DPAMF2:

1. The applicant served as an enlisted member in the regular Air Force and Air Force Reserves from 24 Aug 84 to 4 May 98.

2. During the period 5 May 98 through 23 Jul 01, the applicant had a break in military.

3. On 24 Jul 01, the applicant was commissioned into the Army Reserve in the Nurse Corps (NC), serving until 28 Jul 03.

4. On 29 Jul 03, the applicant entered active duty in the Air Force as a First Lieutenant and separated on 1 Nov 07 as a Captain.

5. Between 2 Nov 07 and 19 Jan 09, the applicant had a break in military service.

6. On 20 Jan 09, the applicant commissioned in the Air Force Reserve as a Captain in the BSC, then accessed onto extended active duty (EAD) on 13 Apr 12.

On 8 Jun 10, the applicant filed a complaint with the Office of the Air Force Personnel Center Inspector General (AFPC/IG) alleging her CGDOR to Captain of 11 Jan 09 was computed incorrectly.

On 22 Sep 10, the AFPC/IG notified the applicant her 11 Jan 09 CGCOR was accurate, and dismissed her complaint.

On 28 Jan 11, in response to the applicant's request for assistance from her US Congressman, SAF/LL notified the Congressman that the Medical Services Officer Management Division (AFPC/DPAM) conducted a thorough review of the applicant's military records and confirmed she received the appropriate Service Credit, and her CGDOR was computed correctly.

On 30 May 12, AFPC/DPAMF2 notified the applicant they reviewed her contentions and confirmed she was awarded the maximum amount of service credit entitled to her. As of 2 Nov 07, she no longer held status as a commissioned officer. She was a civilian. When the applicant applied for commissioning with the recruiter, she was not holding status as a commissioned military officer; therefore, service credit was calculated to determine her commissioning/appointment grade in the Air Force Reserves in accordance with AFI 36-2005. AFI 36-2106 governs transferring officers "on the active duty list" between competitive categories. It does not apply to the applicant.

**a. Military Service.** Service credit is only earned for time served as a commissioned officer. Per USC Title 10, "A period of time shall be counted only once when computing constructive service credit." To prevent awarding service credit for the same period of time for her commissioned military service time and time spent earning her MPH degree, DPAMF2 must subtract her two years of educational credit from her six years, three months, and seven days of military service (24 Jul through 1 Nov 07). IAW AFI 36-2005, Table 2.5, Rule 45, she received 50 percent credit for the remaining four years, three months and seven days, resulting in 2 years, 1 month, and 20 days credit for her prior service as a commissioned officer.

**b. Education.** AFI 36-2005, paragraph 8.17 applies to the applicant since she was being accessed onto active duty as a Public Health Officer. She had to have a Bachelor of Science in Nursing (BSN) with a Master of Public Health (MPH) degree. Service credit is not awarded for a BSN degree. She received the maximum of two years credit for her MPH degree. DPAMF2 is not authorized to just stipulate or adjust the timeframe to award service credit for degrees. According to AFI 36-2005, Table 2.5, Rule 36, the amount of 24 months of service credit is awarded for a master's degree in public health once the degree is "completed." Therefore, to award the full two years credit for her MPH degree, DPAMF2 must count backwards from the date her degree was completed on 10 Dec 04. The applicant is not

entitled to receive credit for the time spent working on her degree prior to 11 Dec 02.

**c Professional Work Experience.** The applicant is not entitled to earn service credit for professional work experience because to receive credit for professional experience the applicant must have been full time in the specialty in which she is being appointed. The applicant's work experience was completed in nursing, not BSC.

**d. Entry Grade Credit (not service credit).** IAW AFI 36-2008, Paragraph 11, the applicant received 50 percent credit for the period of time between when she took the oath of office as a BSC and her EAD date. This credit is 2 months and 21 days.

**e. Total Credit.** This gives the applicant a combined total credit of four years, three months and two days. However, it takes the first four years of commissioned time (or credit) to become a captain. Therefore, the remaining three months and two days is applied to the applicant's DOR as a captain. This is "backed up" from the applicant's EAD of 13 Apr 09, and her resulting CGDOR is 9 Jan 11

**f. Forged Document.** The document the applicant claims contains forged initials and signature has no bearing on computing her service credit. DPAFM2 used the source documents to complete their calculations.

On 4 Sep 12, the applicant submitted a letter directly to the AFBCMR in response to AFPC/DPAFM2's 30 May 12 letter. The applicant reiterates the same points she made in her initial application, adding:

**a.** She never resigned her commission, but accepted a Health Profession Loan and was entered into the Health Profession Loan Repayment Program (HPLRP). IAW AFI 41-110, *Medical Health Care Professionals Scholarship Programs*, she incurred an eight year active duty service obligation, part of which was to be served in the Individual Ready Reserve (IRR). She resigned from active duty, but did not resign her commission. Therefore, she was a commissioned officer in the Nurse Corp competitive category when she entered the BSC.

**b. Military Service.** AFI 36-2005, Table 2.5, Rule 45, Note 13 in Rule 45 does apply to her and is the reason she should receive her full Nurse Corps commission time. Because the words "competitive category transfer" are in Note 13 does

not mean it applies to AFI 36-2106. If it applied to AFI 36-2106, it would have stated so in Note 13.

**c. Education.** Nowhere in the AFI does it state you must compute the degree time by counting backwards two years from the date the degree was completed. Accessions should have utilized the time after her separation--2 Nov 07 through 12 Apr 09, awarding her 1 year, 5 months, and 10 days.

**d. Professional Experience.** Her work experience was at the Department of Health (DOH), working in Public Health, which is part of BSC. The reason she did not receive credit for her professional work was that she did not have her qualifying degree (MPH) when working at the DOH.

A complete copy of the applicant's letter is at Exhibit C.

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 D.

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AIR FORCE EVALUATION:

AFPC/DPAN recommends denial indicating there is no evidence of an injustice. Based upon the applicant not holding commissioned officer status at the time she was accessed into the active duty Air Force, the CSC must be computed to establish commissioning grade in the Reserves according to AFI 36-2005, with intent for appointment to active duty according to AFI 36-2008, *Voluntary Extended Active Duty (EAD) for Air Force Reserve Commissioned Officers*. Upon separation/resignation she was not transferred to the Air Force Reserve since she had completed all military service obligations or active duty service commitments were waived upon separation (i.e., Health Profession Loan Repayment Program (HPLRP)). She was non-military between 1 Nov 07 and 19 Jan 09. The applicant's service credit was based upon:

**a. Prior Military Service.** Service credit is only earned for prior service as a commissioned officer. A period of time can only count once. However, her prior service overlaps with the time spent earning her degree. Therefore, to prevent dual credit, her six years, three months, and seven days of service time must first be reduced by the two years of educational service credit she received for her education. According to AFI 36-2005, Table 2.5, Rule 45, she was then awarded 50 percent credit for the remaining four years, three months, and seven days, resulting in credit of 2 years, 1 month, and 20 days. The applicant believes Note 13 of Table 2.5 applies to her, but she is misinterpreting the policy. In Note 13 the term "Competitive Category Transfer" refers one to AFI 36-2106, *Competitive*

*Category Transfer.* AFI 36-2106 governs transferring officers "on the active duty list" between competitive categories. However, she was a non-military member when she commissioned as a USAFR officer.

**b. Education.** The applicant was appointed to active duty as a Public Health Officer based on her Bachelor of Science in Nursing (BSN) Service degree with a Master of Public Health (MPH) degree. Service credit is not awarded for a BSN degree. She received the maximum of two years credit at 100 percent for her MPH degree from 11 Dec 02 through 10 Dec 04. Per DoD 6000.13 and AFI 36-2005, a period of time shall be counted only once when computing service credit. Because a period of time shall be counted only once to prevent dual credit being earned for the overlapping time for her degree and her prior service time, we counted backwards two years from the day her degree was awarded on 10 Dec 04. We are not authorized to stipulate or arbitrarily pick any two year period to award her credit for her degree. The only rational way to award two years credit for her degree is to count backwards two years from the actual day she completed the degree.

**c. Professional Work Experience.** According to AFI 36-2005, Table 2.5, Rule 41, the applicant is not entitled to service credit for professional work experience because to receive credit the work experience must have been full time in the specialty in which the member is being appointed. The applicant's work experience was in nursing.

**d. Entry Grade Credit.** The applicant received 50 percent credit for the period of time between her day of commissioning as a BSC and her EAD date.

**e. Total Credit.** The applicant's total service credit is four years, three months and two days. After subtracting the four years required for appointment to captain, the remaining three months and two days were subtracted from the applicant's EAD date, making her CGDOR 9 Jan 11. We concur her credit was computed inaccurately a few times; however, upon review we determined that she had (inappropriately) received dual credit for the period of time spent earning her degree and her prior service time.

The applicant further states her AF Form 24, *Application for Appointment*, was forged; however, this form has no bearing on computing her service credit.

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

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 9 Oct 12 for review and comment within 30 days. As

of this date, no response has been received by this office (Exhibit E).

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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 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/DPAN and adopt its rationale as the basis for our conclusion the applicant has not been the victim of an injustice. While we note the comment from AFPC/DPAN stating the applicant's CGDOR was initially computed incorrectly, the Board is convinced her current CGDOR is correct based upon governing policies and instructions. To adjust the applicant's CGDOR would be an injustice to other similarly situated Air Force members whose service credit was determined using the same, approved methodologies. We also note the applicant's allegations that AFPC/IG did not follow what the applicant considered to be proper procedures, and the signatures and initials on a document in her military records were forged; however, the Board is not an investigative body and since these contentions do not directly impact the matter in question, the Board did chose not address these issue. 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.

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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-2012-01441 in Executive Session on 20 Dec 12, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 12 Mar 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, Applicant, dated 4 Sep 12, w/atchs.
- Exhibit D. Letter, AFPC/DPAN, dated 26 Sep 12, w/atchs.
- Exhibit E. Letter, SAF/MRBR, dated 9 Oct 12.

Panel Chair