

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2012-01874  
COUNSEL: NONE  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His date of rank (DOR) to lieutenant colonel (Lt Col) be adjusted in accordance with AFI 36-2501, *Officer Promotions*, Paragraph 4.4 (Special Promotion Issues) and AFI 36-2604, *Service Dates and Dates of Rank*, paragraph 7.5.1.4..

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APPLICANT CONTENDS THAT:

He is an Air Force Reservist and was promoted to Lt Col. His projected DOR is 1 May 2012. The time in grade requirement for promotion to Lt Col for a normal Reservist is 7 years. His DOR to Major was 1 May 2005.

On 5 October 2011, he was ordered to activation in accordance with 10 USC 12301. While on activation he declared sanctuary. On 27 December 2011 he was ordered to extended active duty (EAD) and assigned to an active duty unit.

He requests his DOR and date of promotion be adjusted in accordance with the special promotion issues paragraph of AFI 36-2501, *Officer Promotions*. Per the DOR chart for Active Duty, Line of the Air Force, his In the Promotion Zone would have been in 2009. Hence, he requests his DOR be back dated in accordance with the Active Duty List (ADL).

He has discussed this issue with ARPC, Officer Promotions and has been told his DOR is managed by ARPC and will be carried over to AFPC.

In support of his request, the applicant provides a personal statement, documents from his Master Personnel Record and other supporting documentation.

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

STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force and served from 12 April 1988 to 14 Jun 1995. He was commissioned in the Air Force Reserves as a second lieutenant on 15 June 1995.

The other relevant facts pertaining to this application, extracted from the applicant's master personnel records, are outlined in the letter prepared by the Air Force office of responsibility which is included at Exhibit B.

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AIR FORCE EVALUATION:

AFPC/DPOO recommends denial. Chapter 36 of 10 U.S.C governs active duty promotions of officers of the ADL. Section 641 outlines categories of officers that Chapter 36 does not apply to; specifically, Reserve officers on active duty authorized under section 115(b)(1)(A) lists members ordered to active duty under Section 12301(d) for the purpose of providing operational support as prescribed in regulations issued by the Secretary of Defense.

The applicant is a Reserve officer on active duty under 10 USC 12301(d) and 12686(2) and therefore is not on the ADL. He is a Reserve officer on the RASL and will be promoted under the Reserve regulations; if he becomes eligible for promotion prior to retiring, he will meet a Reserve promotion board.

The complete DPOO evaluation is at Exhibit B.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 6 August 2012 for review and comment within 30 days. As of this date, this office has received no response (Exhibit C).

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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. After thoroughly reviewing the evidence of record and the applicant's complete submission, we are not persuaded that record warrants the requested correction. The applicant's contentions are duly noted; however, he has not provided persuasive evidence to override the rationale provided by the Air Force office of primary responsibility (OPR). Therefore, we agree with the opinion and recommendation of the OPR and adopt its rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice. In the absence of persuasive evidence to the contrary, we find no basis to recommend granting the relief sought in this application.

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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 that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

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The following members of the Board considered AFBCMR Docket Number BC-2012-01874 in Executive Session on 16 October 2012, under the provisions of AFI 36-2603:

, Panel Chair  
, Member  
, Member

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 29 Mar 12, w/atchs.  
Exhibit B. Letter, AFPC/DPOO, dated 12 Jun 12.  
Exhibit C. Letter, SAF/MRBR, dated 6 Aug 12.

Panel Chair