

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02524
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

He be credited with nonpaid points during the period Feb 10 through Aug 10 (sic) in lieu of his regularly monthly scheduled unit training assemblies (UTAs).

APPLICANT CONTENDS THAT:

He commander did not excuse his monthly scheduled UTAs that he was unable to perform due to an injury he incurred while at his civilian employment. His injury required surgery and a six month recuperation period. This credit would enable him to retire in 2013 rather 2014.

In support of his appeal, the applicant provides copies of a letter from the Department of Veterans Affairs; his civilian medical provider, and a work release identifying his ability to return to work, dated 22 Aug 11.

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

STATEMENT OF FACTS:

Based on the available records, for Retirement Year Ending (RYE) 9 Sep 11, the applicant was credited with 5 active duty (AD) points, 18 inactive duty training (IDT) points, and 15 membership points and a retirement point total of 38 points.

THE AIR FORCE EVALUATION:

NGB/A1PS recommends denial, they found no error or injustice nor did the applicant provide any evidence to support his claim.

In this respect, NGB/A1PP notes, in accordance with ANGI 36-2001, *Management of Training and Operational Support Within the Air National Guard*, paragraph 6.3.6. Satisfactory Performance: 6.3.6. 1. Members must be physically and mentally capable of performing UTA duty. Commanders are responsible for informing

all personnel of their respective units that each member must report any physical or mental condition that might impair their performance of duty before they start any UTA. If the physical or mental ability of a member is questionable the professional opinion of qualified military medical personnel and evaluation for performance of such training should be obtained.

6.3.6.2. Unit commanders may grant excused absences to individuals who miss a UTA. Members must be excused in writing even if the missed UTA will not be performed in a Rescheduled UTA (RUTA), a Split UTA (SUTA), or Equivalent training (EQT) status. No more than 4 UTA periods may be made up in a paid EQT status in any fiscal year.

6.3.7. With the commander's approval, unexcused absences may be made up for retirement points only. No pay entitlement accrues to an individual making up an unexcused absence.

The applicant did not provide any documentation to show a professional opinion of a qualified military medical personnel and evaluation for performance was accomplished as required in accordance with ANGI 36-2001. The military medical professional would have accomplished an AF Form 469, *Duty Limiting Condition Report* and AF Form 422, *Notification of Air Force Member's Qualification Status*.

The member could have submitted this documentation to his commander requesting an excused absence from UTA weekends due to his medical condition. With the commander's approval the unexcused absences could have been made up for retirement points only. No evidence was provided by the member to show he complied with the provisions of this instruction.

The complete NGB/AlPS evaluation, with attachments, is at Exhibit B.

APPLICANT'S REVIEW OF THE AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 30 Aug 12 for review and comment within 30 days. As of this date, no response has been received by this office (Exhibit C).

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. 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 NGB office of primary responsibility and adopt its rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice. 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-2012-02524 in Executive Session on 15 November 2012, under the provisions of AFI 36-2603:

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 8 May 12, w/atchs.
- Exhibit B. Letter, NGB/AlPS, dated 23 Jul 12, w/atch.
- Exhibit C. Letter, SAF/MRBR, dated 30 Aug 12.

Panel Chair

