

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02094
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His retirement year ending 23 June 2011 be changed from an unsatisfactory Federal service year to a satisfactory Federal service year by moving his 6 and 7 March 2010 Unit Training Assembly (UTA) points to 10 and 11 July 2010.

APPLICANT CONTENDS THAT:

His unit had their Operational Readiness Inspection (ORI) 18 through 21 March 2010 and to make up for this the unit did not have drill in April or July 2010. In November 2010, he was diagnosed with skin cancer and missed drills in November 2010 and February 2011. By missing these drills (July, November and February) his 2010 Retention and Retirement (R&R) year ended with 47 points - 3 points short of a good year towards retirement.

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

STATEMENT OF FACTS:

The applicant is currently serving in the Air National Guard in the grade of technical sergeant.

The relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the letter prepared by the appropriate office of the Air Force at Exhibit B.

AIR FORCE EVALUATION:

ARPC/DPTS recommends denial. DPTS states the applicant's point history shows he received 2 paid active duty points for 6 through 7 March 2010. The 2 active duty points for 6 through 7 March 2010, along with the 8 inactive duty training points for 4 drill days during the ORI were recorded in the applicant's record for

the retirement year ending 23 June 2010, which was a satisfactory Federal service year.

For retirement year ending 23 June 2011, the applicant performed 2 drills days each for 8 months which equaled 32 inactive duty training points. Since a weekend drill was not scheduled for July 2010, no points were recorded. Subsequently, the applicant did not perform drills for August 2010, November 2010 and February 2011, which were on the schedule. Also, no active duty annual tour days were performed during his unsatisfactory R&R year.

The applicant did not receive a satisfactory service year because he did not participate for the minimum number of points. There was no error or injustice. Retirement points cannot be rearranged in the calendar to create a satisfactory year. Retirement points are recorded on the day they are performed. The duty on 6 through 7 March 2010 was not scheduled as a unit training assembly, but was scheduled as active duty for special training for 1 point each day, which the member received. The applicant only completed 7 annual tour days during fiscal year 2011, none of which occurred in the R/R year. The applicant did not participate during 3 of the possible schedule drill weekends, which adds up to 12 possible points. No physical profile occurred or work restrictions documented. The applicant apparently did not coordinate with his unit to request equivalent training or non-pay inactive training duty or any options he may have had to ensure he would receive a satisfactory service year.

The DPTS complete evaluation is at Exhibit B

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

On 17 July 2012, a copy of the Air Force evaluation was forwarded to the applicant for review and response within 30 days (Exhibit C). As of this date, no response has been received by this office.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.
3. Insufficient relevant evidence has been presented to demonstrate the existence of an error or injustice. The applicant's contentions are duly noted; however, we agree with

the opinion and recommendation of the Air Force 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 an 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-2012-02094 in Executive Session on 15 February 2013, under the provisions of AFI 36-2603:

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-02094 was considered:

- Exhibit A. DD Form 149, dated 17 May 2012, w/atchs.
- Exhibit B. Letter, ARPC/DPTS, dated 28 June 2012, w/atchs.
- Exhibit C. Letter, SAF/MRBR, dated 17 July 2012.