

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NO: 98-01156

COUNSEL: NONE

DEC 10 1998

HEARING DESIRED: NO

Applicant requests that his mandatory separation date (MSD) of 1 December 1999 be adjusted to 1 December 2003 to allow for time he was assigned to the Inactive Status List Reserve Section (ISLRS). Applicant's submission is at Exhibit A.

The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit C). The advisory opinion was forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinion appear to be based on the evidence of record and have not been rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of **new** relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board, Mr. David C. Van Gasbeck, Dr. Gerald 'B. Kauvar, and Ms. Rita J. Maldonado considered this application on 10 September 1998, in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10 U.S.C. 1552.


DAVID C. VAN GASBECK
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinion
- D. SAF/MIBR Ltr Forwarding Advisory Opinion



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR RESERVE PERSONNEL CENTER

29 MAY 1998

MEMORANDUM FOR AFBCMR

1535 Command Dr EE Wing 3rd Floor
Andrews AFB MD 20762-7002

FROM: HQ ARPC/DP

6760 E Irvington PI #1500
Denver CO 80280-1500

SUBJECT: Application for () of Military Records, [REDACTED]

1. The requested correction cannot be accomplished administratively at this headquarters.
2. The applicant is requesting that his mandatory separation date (MSD) of 1 December 1999 be adjusted to 1 December 2003 to allow for time he was assigned to the Inactive Status List Reserve Section (ISLRS).
3. The following is an analysis of the case:
 - a. The applicant's MSD was established per Title 10, United States Code (U.S.C.) former Section 8848. It states that an officer in the grade of lieutenant colonel in an active status who is not on a recommended list for promotion to the Reserve grade of colonel, be transferred if qualified, to the Retired Reserve, or be discharged from his Reserve appointment 30 days after completion of 28 years of service, not to exceed his 60th birthday. Time assigned to ISLRS is considered a break in active participation but not a break in commissioned service; thus it does count toward his MSD. There are no provisions under which his MSD can be extended.
 - b. The MSD is established early in a Reserve officer's career and remains a part of the record throughout the officer's service. We cannot comment on why the applicant was unaware of this important date.
 - c. If the applicant does not have 20 years of satisfactory service, but has 19 years by the time his MSD expires, he would be eligible for sanctuary per Title 10, U.S.C. Section 12646. He would be able to remain in an active status until he completed 20 years of satisfactory service or the adjusted MSD (2 years for someone with 19 years), whichever is earlier.
4. Recommend denial of the applicant's request. There are no provisions in the law that allow the MSD to be changed because of time assigned to ISLRS. If the Air Force Board for Correction of Military Records (AFBCMR) agrees with our recommendation, no further action is necessary.

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5. If the AFBCMR disagrees with our recommendation, take the following action:

Change the applicant's MSD to 1 December 2003.

6. If you have any questions, please contact Ms. Darcy Blair, HQ ARPC/DPAD, at DSN 926-6362 or e-mail dblair@arpcmail.den.disa.mil.

Linda A. Martin

LINDA A. MARTIN, Colonel, USAF
Director of Personnel Program Management

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