

AIR FORCE CONGRESSIONAL CONSTITUENT RESPONSE GUIDE



114TH UNITED STATES CONGRESS



DEPARTMENT OF THE AIR FORCE
WASHINGTON DC 20330-1000

OFFICE OF THE SECRETARY

February 27, 2015

Dear Congressional Staff Member:

I am pleased to provide you with the newest version of the Air Force's Congressional Constituent Response Guide for the 114th Congress. As we embark on this new session of Congress, it is my hope that this publication will assist you in your efforts to respond to your Constituents' inquiries.

To minimize our response times, we encourage you to forward inquiries to us electronically at usaf.pentagon.saf-ll.mbx.saf-llmi-workflow@mail.mil. All Air Force-related constituent inquiries, no matter where they are sent, are coordinated and responded to from our Legislative Liaison Inquiry Division. My staff works directly with the functional experts to provide you and your constituents with accurate and timely answers.

Included in this edition of the Constituent Response Guide is information about the Air Force's recruiting and family programs, personnel-related matters, benefits, medical and health care programs, as well as information you may find beneficial as you work directly with my staff. This guide also provides valuable resource information about issues affecting the Total Force –Active Duty Airmen, Air National Guard, Air Force Reserves, Air Force Civilians, Air Force Veterans, and the Air Force Family.

The Air Force's enduring priority is to be the world's greatest Air Force. The current security and fiscal challenges demand our Air Force train, develop, and retain innovative Airmen who find better and smarter ways to fly, fight, and win.

We are committed to delivering timely and accurate information. We welcome the opportunity to work with you and encourage you to contact us whenever we can be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas W. Bergeson".

THOMAS W. BERGESON
Major General, USAF
Director, Legislative Liaison

THE MISSION OF
THE UNITED STATES AIR FORCE
IS TO
FLY, FIGHT AND WIN...IN AIR,
SPACE AND CYBERSPACE

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CHAPTER 1

INTRODUCTION

The Legislative Liaison Directorate, a part of the Office of the Secretary of the Air Force, provides liaison between the U.S. Air Force and Congress. More specifically, the Congressional Inquiry Branch within the directorate is charged with handling constituent inquiries as submitted by Members of Congress from across the country, as well as inquiries from the White House, the Office of the Vice President, governors and other executive agencies. The Congressional Inquiry Branch staff aims to provide timely and accurate responses to all inquiries.

THE PURPOSE OF THIS GUIDE

This guide was developed as a quick reference tool to help Congressional staff members assist constituents with Air Force-related matters. The pages that follow provide a great starting point for efficiently meeting the needs of constituents.

The guide's user-friendly format and "Quick Search" function aim to enable staff members to easily and quickly provide responses to a wide variety of constituents' questions and concerns. In some cases, the information, live links and contacts included here may even provide constituents the means to directly and independently resolve their own issues in the most expeditious manner.

While we've made every effort to address the most frequently asked questions, the information herein is by no means all-encompassing. For this reason, the Air Force Congressional Inquiry Branch stands ready to assist by researching complex questions and by addressing the unique situations in which your constituents may find themselves.

CHECKLIST FOR INQUIRY SUBMISSIONS

Before officially submitting an Air Force-related inquiry, it may be helpful to ask the constituent, as appropriate, if he or she has attempted to resolve the issue by contacting a commander, first sergeant, the local personnel office, the local Inspector General's office or military and/or civilian legal counsel. These resources may help to address the issue at the lowest, local level.

When submitting an official inquiry, the following information and documentation should be included to ensure the most effective and efficient processing:

- Congressional staff member's name, e-mail address, phone number and district office address (Please note if the final response should be sent to a Congressional staffer other than the one who submitted the initial inquiry.)
- Constituent's name, unit of assignment, duty station, Social Security number, military rank (if applicable) and military status (active duty, Reserve, Guard, separated or retired, if applicable)
- Brief description of the constituent's issue, circumstances or unique situation; the specific action, information or response requested; and an indication as to whether the constituent has previously contacted senior Air Force leadership, other governmental agencies and/or other Congressional offices regarding the same
- Privacy Act Release Form completed and signed by the constituent (Not required if the constituent is a deceased military member)

- ❑ Health Insurance Portability and Accountability Act (HIPAA) Form completed and signed by the constituent (Required only if the inquiry concerns health records or treatment information).

SUBMITTING INQUIRIES

The Air Force's Congressional Inquiry Branch works directly with the staffs of Members of Congress to provide the specific information or assistance requested by constituents. The Inquiry Branch does not deal directly with constituents.

Inquiries may be submitted via e-mail or traditional mail.

E-mail submissions are preferable as they facilitate the most efficient processing.

Via E-mail: usaf.pentagon.saf-ll.mbx.SAF-LLMI-workflow@mail.mil

Via Mail: **SAF/LL**
Congressional Inquiries Branch
1160 Air Force Pentagon
Washington, DC 20330

It is important to note that submitting Air Force-related inquiries to the Air Force Legislative Liaison offices on the Hill may delay processing by several days and that submissions made directly to the Secretary of Defense or the Secretary of the Air Force may be delayed by up to 10 days. Heightened security measures at the Pentagon may delay traditional mail correspondence by several weeks.

URGENT INQUIRIES

Inquiries requiring expedited processing should be e-mailed to the Air Force Congressional Inquiry Branch. The e-mail correspondence should make clear that the inquiry is urgent, should explain the time constraint for response or resolution, and should contain all pertinent information and documentation (see checklist above) for immediate processing.

If the receipt of a time-sensitive submission is not acknowledged by a member of the Air Force Congressional Inquiry Branch within 24 to 48 hours, a follow-up call may be placed to (703) 695-7364. If an inquiry must be addressed after hours, the Air Force 24/7 Watch Officer may be reached at (703) 697-6103.

THE INQUIRY PROCESS

It is important to note that the Air Force Congressional Inquiry Branch serves as the liaison between the Air Force and Members of Congress and their staffs as concerns constituent inquiries. However, the Inquiry Branch does not house the subject matter expertise to immediately respond to inquiries. The subject matter at issue in constituent inquiries may fall under the purview of any of a number of agencies, organizations and offices throughout the Air Force.

For this reason, the Congressional Inquiry Branch receives the inquiry, enters it into an internal tracking system and tasks it out appropriately based on the required area of expertise. Once the necessary research has been accomplished, subject matter experts draft and deliver their proposed response to the Inquiry Branch for review; this review ensures that the final response sufficiently answers the constituent's inquiry. Once complete, the draft is formatted into an official response, routed for executive signature and sent to the staffer specified in the original inquiry. Responses for routine inquiries can take up to 30 days.

Status checks are best made by sending an e-mail to the Inquiry Branch staff member who confirmed receipt of the original inquiry or to the general office inbox at Usaf.pentagon.saf-ll.mbx.SAF-LLMI-workflow@mail.mil.

RELEASE OF INFORMATION

Privacy Act

Public Law 93-579, *The Privacy Act of 1974*, became effective on September 27, 1975, and requires the Department of the Air Force to protect personal information maintained in records systems. Accordingly, the Air Force generally cannot release such information without the express written consent of the subject of the record.

Air Force policy protects the right of any member to communicate with government officials without fear of retaliatory action. To this end, Air Force regulations provide that a person's record cannot be coded, annotated or otherwise marked to indicate that Congressional, Executive or other high-level interest is, or was ever, generated by the individual.

The Privacy Act allows release of information of a non-sensitive, personal nature. Such items of information include: military unit of assignment (except overseas addresses or assignments to sensitive or routinely deployable units); rank; date of rank; base pay; special pay and all allowances (except basic allowance for quarters and variable housing allowance); past duty assignments; future assignments that are officially established (except overseas or assignments to sensitive or routinely deployable units); office or duty telephone numbers; source of commission; promotion sequence number; awards and decorations; attendance at professional military schools; and duty status. Nonconsensual disclosure of this information will normally not violate the Privacy Act.

The Air Force may release personal information to Chairpersons of Congressional Committees or Subcommittees if the information relates to matters within the Committee's jurisdiction and the Committee or Subcommittee formally requests the information.

The Health Insurance Portability and Accountability Act (HIPAA)

The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule became effective April 14, 2003. While like the Privacy Act of 1974, the HIPAA impacts all U.S. healthcare providers and health plans, and serves to specifically protect health-related information.

The rule adds new rights for patients and puts restrictions on providers and health plans as concerns the use and disclosure of protected health information. Although there is an allowance to disclose information to a military command authority, the HIPAA rule directly impacts how information can flow from military treatment facilities. These new privacy rules serve to strengthen the strong set of patient privacy policies already in place within the Military Health System.

To allow for the release of information relating to medical, dental and/or health issues, a constituent must complete and sign the DD Form 2870 <http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd2870.pdf>, *Authorization for Disclosure of Medical or Dental Information*, dated December 2003.

The Freedom of Information Act (FOIA)

Air Force policy is to conduct its activities in as open a manner as possible and to provide the public with a maximum amount of accurate and timely information concerning its activities, consistent with the legitimate public and private interests of the American people.

The Air Force Freedom of Information Act, or FOIA, website <http://www.foia.af.mil/> offers links to current policy, the annual report to Congress, FOIA offices at each of the major Air Force commands and frequently asked questions, including a handbook explaining the FOIA process.

The Air Force FOIA Program will honor requests by Members of Congress in their personal capacities or on behalf of constituents for Air Force records, unless exempt from mandatory public disclosure under the Act or if release will cause an identifiable harm. Requests for Air Force records should be directed to the organization maintaining the records, if known. If it's unknown which Air Force activity maintains the desired records, requests should be e-faxed to 571-256-3110@fax.hqda.pentagon.mil or mailed to SAF/AII (FOIA), 1000 Air Force Pentagon, Washington, DC 20330-1000.

The Air Force may provide information exempt from release under the FOIA to Congressional Committees or Subcommittees if the information relates to matters within their jurisdiction and the Committee or Subcommittee Chairperson formally requests it.

There may be fees required of FOIA requesters for research and reproduction costs. In addition, commercial requesters may incur review costs. The Air Force, however, usually waives fees less than \$15.

CHAPTER 2

GETTING ORIENTED TO THE U.S. AIR FORCE

MISSION

The mission of the United States Air Force is to fly, fight and win ... in air, space and cyberspace. To achieve this mission, the Air Force has a vision of Global Vigilance, Reach and Power. That vision orbits around three core competencies: developing Airmen, technology to war fighting and integrating operations. These core competencies make the service's six distinctive capabilities possible: air and space superiority; global attack; rapid global mobility; precision engagement; information superiority; and agile combat support.

CORE VALUES

The Air Force bases these core competencies and distinctive capabilities on its members' shared commitment to three values: Integrity first, Service before self, and Excellence in all we do.

ORGANIZATION

The Air Force is organized into 10 major commands (MAJCOMs) and two Air Reserve Components. Directly subordinate to Headquarters Air Force, MAJCOMs carry out the majority of the service's mission by both accomplishing activities and executing operations around the world and by organizing, training and equipping subordinate elements.

Within the United States, MAJCOMs are organized by function and include: Air Combat Command, Air Education and Training Command, Air Force Global Strike Command, Air Force Materiel Command, Air Force Reserve Command (both a MAJCOM and an Air Reserve Component), Air Force Space Command, Air Force Special Operations Command and Air Mobility Command. Overseas, MAJCOMS are organized by geography and include: Pacific Air Forces and U.S. Air Forces in Europe—Air Forces Africa. The service's two Air Reserve Components include the Air National Guard and the Air Force Reserve.

In general, the organizational construct subordinate to each MAJCOM includes numbered air forces composed of wings, which are composed of groups made up of squadrons.

BASE STRUCTURE & COMMUNITY

Air Force bases are small communities with infrastructure and social support resources common to any American town. What makes these communities different is the fact that each has a mission to perform in order to support the overall Air Force mission. In general, a base hosts a wing which encompasses several groups, each of which encompasses several squadrons made up of any number of flights.

Each squadron, group and wing has a commander who is responsible for the military mission and the health and well-being of all of the unit's members. The commander's concern extends to the families of military members, as well as to civilian employees. The wing commander also

concerns him or herself with retirees and their families living in nearby communities. Finally, all commanders are responsible for positive relations with adjacent civilian communities, the private citizens who live near a base, and those whose lives Air Force operations impact.

ON-BASE HELPING RESOURCES

The commander of each functional area is charged with taking care of both people and the mission. Each squadron also has a first sergeant who serves as the focal point for helping the squadron's members get the support they need from base agencies.

Below is a list of the primary helping resources resident on a typical Air Force base. Before submitting an official Congressional inquiry, constituents with issues should be encouraged to seek resolution by contacting one or more of these units.

Area Defense Counsel (ADC): The Area Defense Counsel provides legal defense services to Air Force members. The ADC is not subordinate to the wing commander, but is rather considered an independent tenant on base. While some bases do not host an ADC office, ADC services can be made available remotely.

Force Support Squadron (FSS): Includes military and civilian personnel flights (MPF and CPF), responsible for processing requests for transfers, corrections to military records, dependent identification cards and the like. The FSS also provides combat support, community services, and family programs, to include fitness, food service, lodging, libraries, child development and youth programs, recreation, officer and enlisted clubs, golf and bowling. Also manages the base mortuary affairs and military funeral honors programs.

Inspector General (IG): Investigates issues of unlawful orders or abuse of power. The IG is also the base focal point for fraud, waste and abuse (of resources) issues.

Judge Advocate (JA): Provides legal advice to the wing commander. Also provides routine legal assistance and services for members of the base community (e.g. powers of attorney, wills and notary service). The staff judge advocate (senior military lawyer on the base) advises the wing commander and subordinate commanders on all military justice matters, including whether court-martial charges are appropriate based on the evidence. With the advice of the staff judge advocate, the wing commander acts as the initial disposition authority for sexual assault investigations against assigned military members.

Medical Group: Responsible for the medical mission of the wing. The Air Force designates a medical group as a small or large group depending on the size of the military medical treatment facility (MTF). In each medical group, there is a TRICARE Flight and patient advocate to address almost any concern constituents may have.

Military Equal Opportunity (MEO): Addresses equal treatment issues for military members and complaints against military members by either civilian or military employees.

Special Victims' Counsel (SVC): SVCs represent eligible adult and child sexual assault victims throughout the entire investigatory and military justice process to ensure their rights as victims of crime are protected as codified by Sections 1044e and 806b, Title 10, United States Code. SVCs accomplish these goals by developing victims' understanding of the investigatory and military justice processes, providing advocacy to protect the rights of victims during the military justice process, removing barriers to victims' participation in the military justice process and assisting them in obtaining services and resources after the commission of the crime.

CHAPTER 3

JOINING THE AIR FORCE

For more information on joining the Air Force as either an enlisted member or as an officer, select “Joining the Air Force” at AirForce.com www.airforce.com/.

ENLISTMENT

Qualifications for Enlistment

Candidates for enlistment into the active duty Air Force must be between 17 and 39 years old. Individuals may no longer enlist once they reach their 39th birthday. The Air Force requires at least a high school diploma, a GED with at least 15 college credits, or a valid home-school diploma. Individuals with at least a high school diploma must score a minimum of 36 on the Air Force Qualification Test (AFQT) portion of the Armed Services Vocational Aptitude Battery (ASVAB); applicants with a GED must earn a minimum score of 65.

A high school graduate can be accessed with a score of 31 or higher on the AFQT portion of the ASVAB when the applicant fails to meet the minimum score of 36 but meets all other mandatory requirements for the Air Force Specialty Code (AFSC) he or she is being accessed into, in accordance with the current Air Force Enlisted Classification Directory. Furthermore, the Air Force Recruiting Service (AFRS) may allow a specified number of ASVAB test applicants who score between 21 and 30 on the AFQT to enlist in the Air Force. All ASVAB waivers will be approved or disapproved by Headquarters AFRS/RSO.

The Air Force allows one percent of recruits to enlist with a GED. Currently, a valid home-school education qualifies an individual with the equivalent to a high school diploma when the home-school diploma is issued in accordance with state requirements and is administered by a parent, teacher, school district or umbrella association.

Candidates for enlistment into the Air Force Reserve may join after turning 17 years old and before turning 39 years old. If a candidate has prior uniformed service, he or she must join before turning 40 years old plus the timeframe previously served. For example, if a candidate previously served in a military branch for six years, he or she could enlist up until roughly age 46. For more information about enlisting in the Air Force Reserve, visit the Air Force Reserve website <http://afreserve.com/faqs/eligibility>.

Considerations of Moral Character

Prior Civilian Convictions: Air Force enlistment directives stipulate applicants with records or convictions of certain civil or juvenile offenses are not eligible for enlistment unless the applicant receives a waiver. In evaluating a waiver, the Air Force considers the nature of the offense(s), date(s) of the offense(s), and the applicant’s record after release from any sentence. The Air Force will not enlist applicants who admit difficulties with law enforcement agencies until completion of a thorough investigation of the circumstances.

Prior Drug Use: Air Force enlistment directives stipulate applicants with records, convictions or self-admissions of illicit drug use or offenses, driving under the influence of, while intoxicated or impaired by alcohol or drugs are not eligible for enlistment unless the applicant receives a waiver.

Additionally, testing positive on the Drug and Alcohol Test while processing for enlistment at the Military Entrance Processing Station permanently disqualifies an individual from enlistment.

Two Types of Enlistment

Enlistment in the Air Force can be for a specific, guaranteed job, or in one of four aptitude index areas, including mechanical, administrative, general and electronics.

Under the Guaranteed Training Enlistment Program, the applicant enlists for training in a specific Air Force Specialty Code (AFSC). The AFSC assigned depends on the individual's aptitude scores, physical condition and, in some instances, previous education and experience. Provided the individual is not disqualified or eliminated from training, the Air Force guarantees continued training and an assignment in that specific AFSC; this guarantee is documented on the Air Force Form 3007, USAF Enlistment Agreement. Airmen may not request a change to another AFSC unless they are unqualified for training or continuation in training as originally scheduled, or they volunteer for and receive a special assignment.

Under the Guaranteed Aptitude Area Enlistment Program—sometimes referred to as “open general”—the applicant is guaranteed to receive a job in a specific aptitude area, but won't actually find out his or her specific job until basic training.

Reenlistment

When enlisted personnel separate from the service, the service assigns them Reenlistment Eligibility (RE) codes that determine eligibility for further military service and facilitate personnel management decisions. A listing of current Air Force RE codes and their clear text meaning can be found in Air Force Instruction 36-2606, *Reenlistment in the United States Air Force* http://static.e-publishing.af.mil/production/1/af_a1/publication/afi36-2606/afi36-2606.pdf.

The codes are in numeric/alpha format; the number indicates whether or not the individual is eligible for further service while the letter indicates the exact reason for ineligibility.

If an applicant has not completed basic military training (for any service), he or she is considered non-prior service and will require an RE code eligibility determination to continue processing as a non-prior service applicant.

Generally, an Airman with an RE code of 1# is eligible for immediate reenlistment (within 24 hours after separation) and for prior service enlistment provided he or she is otherwise eligible. An Airman with an RE code of 2# is ineligible to reenlist in the Regular Air Force and, unless specifically authorized in AFI 36-2606, is not authorized to extend enlistment under any of the conditions outlined therein. An Airman with an RE code of 3# is ineligible for immediate reenlistment (within 24 hours after separation), but is eligible for prior service enlistment with an approved waiver (provided the Airman is otherwise qualified) under conditions outlined in AFI 36-2606. An Airman with an RE code of 4# is ineligible to reenlist in the Air Force and, unless specifically authorized by a condition outlined in AFI 36-2606, is not authorized to extend enlistment under any of the conditions outlined therein.

Reenlistment for Prior Service Members

The Air Force opens and closes the prior service program based on personnel needs. When available, the prior service program allows individuals with prior service in any branch of the armed forces to enlist, provided they meet all qualifications. Prior service members from branches other than the Air Force who have a skill that converts to a matching and required Air Force skill are eligible to apply for enlistment in that skill. If their skill does not match or is not on the requirement list, they may qualify for a few select cross training opportunities. Recruiting

authorities consider these applications on a case-by-case basis putting first the needs of the Air Force.

All prior service members, regardless of branch of service, must meet all qualifying criteria, which includes an appropriate reenlistment eligibility code, a break in service not longer than six years, and no more than 12 years of Total Active Federal Military Service. Whenever possible, recruiting authorities entertain waivers and exceptions to policy. Individuals who have graduated from BMT, regardless of branch of service, but have not completed any technical training are authorized to apply for retraining only.

Enlisting with Dependents

It is essential the Air Force enlist only those persons who are capable of responding to worldwide duty requirements and who are available for immediate unrestricted duty. At some point, the Air Force may require an enlistee with minor dependents to serve at locations to which dependents may not accompany the member. Should these enlistees seek preferential treatment because they cannot or will not find means to leave their children properly attended, the Air Force would face several unwanted alternatives, including immediate hardship discharge or offering the member special treatment by excusing or deferring the member from assignment obligations. These situations may result in less eligible individuals receiving short assignment notifications or adverse effects on the gaining organizations.

An applicant who is married and has physical or legal custody of more than two family members incapable of self-care is ineligible for enlistment unless custody has been transferred by court order. An applicant who is married to a military member and has physical or legal custody of more than two family members incapable of self-care is ineligible unless custody has been transferred by court order. Dependency waivers may be granted only for particularly promising entrants, specifically those applicants who score between 65 and 99 on the AFQT, which equates to categories I and II.

OFFICER ACCESSIONS

United States Air Force Academy Nomination and Appointment Process

According to U.S. Air Force Academy Admissions www.academyadmissions.com, each applicant for a nomination to the Academy must meet the following eligibility requirements, as of July 1 of the year of admission to a service academy: be at least 17 years old, but not have passed his or her 23rd birthday; be a United States citizen; be unmarried, not pregnant, and have no legal obligation to support children or other dependents; be of good moral character.

Before nominating an applicant, Members of Congress should carefully evaluate each applicant's overall qualifications, including the legal domicile, to confirm the applicant lives within the boundaries of the Representative's Congressional district. Each of the three military service academies considers evidence of character, scholarship, leadership, physical aptitude, medical fitness, goals and motivation as part of each nominee's "whole-person" evaluation.

Each United States Senator and Representative may have a maximum of five charged cadets or midshipmen at each service academy at any one time. During the summer, the service academies report the number of vacancies available for the coming admissions cycle to each Member of Congress. New Members of Congress receive vacancy status reports from each academy shortly after they assume office. Throughout the year, the Air Force Academy notifies Members whenever additional vacancies become available due to resignations, academic failures or other reasons.

All Members of Congress may nominate up to ten candidates for each vacancy. In order not to close out the ability to nominate to each academy each year, the Member should verify vacancy availability for the next year before filling more than one vacancy.

An applicant must receive a nomination before a service academy can offer a clear letter of Appointment to him or her for admission. Title 10 of United States Code establishes two nomination categories: Congressional and Military Service-Connected. Applicants meeting eligibility requirements may apply for and receive nominations in both categories.

Members of the United States Senate and House of Representatives may nominate applicants who meet the eligibility requirements established by law. Senators nominate applicants in their respective states. Representatives nominate applicants domiciled in their Congressional districts (as constituted at the time of their elections). An applicant may apply for and receive nominations from both United States Senators and a Representative. Applicants may also apply to the Vice President of the United States who can nominate applicants at large.

There are three methods of nomination: competitive, principal with competing alternates, and principal with numbered alternates. Members of Congress may use any of these methods at their discretion. Regardless of the nominating method and means of evaluation, the Air Force Academy strongly encourages Members of Congress to submit a full slate of ten nominations for each vacancy. This approach benefits the Air Force because the higher the number of nominees, the greater the likelihood of a high-quality incoming class.

For more information on the nomination process to United States Air Force Academy, reference Chapter 903, Section 9342, Title 10, U.S. Code; DoD Directive 1322.22, *Service Academies*, paragraph 4.3; Air Force Instruction 36-2019, *Appointment to the United States Air Force Academy*; "The Congressional Guide" published by the service academies; and the Congressional Research Service publication "Congressional Nominations to U.S. Service Academies: An Overview of Resources for Outreach and Management."

For more information, contact the United States Air Force Academy Admissions Office at (719) 333-2520.

Air Force Reserve Officer Training Corps (AFROTC)

Applicants for the Air Force Reserve Officer Training Corps (AFROTC) www.afrotc.com must be U.S. citizens before scholarship activation and must be high school graduates or have an equivalent certificate. Candidates must be 17 years of age before scholarship activation and younger than 31 years of age as of the December 31 prior to commissioning. Constituents may contact the nearest AFROTC unit for the latest eligibility criteria.

The AFROTC High School Scholarship Program is intended for high school seniors or graduates who have not previously been enrolled as full-time college students. The Air Force offers the majority of its AFROTC scholarships to students pursuing technical degrees, but there are some opportunities for those pursuing foreign language and non-technical degrees. The Air Force awards AFROTC scholarships based on individual merit, not on financial need. AFROTC offers 3- and 4-year scholarships. Some scholarships, depending on the academic major, can be extended up to an additional year. AFROTC activates the 4-year scholarship in the fall of the freshman year and the 3-year scholarship in the fall of the sophomore year. Freshmen cadets on scholarship receive a monthly stipend of \$300. Sophomore cadets on scholarship receive a monthly stipend of \$350.

There are also opportunities to secure AFROTC scholarships after entering college. The Air Force awards AFROTC in-college scholarships primarily to technical, nursing and foreign language majors. To become eligible for in-college scholarships, individuals must be enrolled in AFROTC.

While AFROTC scholarships attract students, many high-quality cadets participate in AFROTC without scholarships. AFROTC textbooks and uniforms are provided for all cadets. Additionally, cadets receive a nontaxable monthly allowance of \$450 during their junior year and \$500 during their senior year.

To be commissioned, AFROTC cadets must take the Air Force Officer Qualifying Test (AFOQT) and score at least 15 on the verbal portion and 10 on the quantitative portion.

Officer Training School (OTS)

Qualification for Officer Training School (OTS) <http://www.au.af.mil/au/holmcenter/OTS> requires a minimum of a bachelor's degree from an accredited college or university and minimum scores on the AFOQT of 15 on the verbal portion and 10 on the quantitative portion. Positions are normally available in flying and non-flying jobs. Applicants for pilot, combat systems operator and air battle manager positions must complete OTS and begin flying training prior to age 30; non-flying applicants must be commissioned prior to age 35. Civilians and active duty Airmen may apply. An Officer Selection Board comprised of senior officers, managed by the Air Force Recruiting Service at Randolph Air Force Base, Texas, reviews all applications based on the "whole person" concept. Applicants selected for OTS must attend an eight-week training course at Maxwell AFB, Alabama. Air National Guard and Air Force Reserve officer candidates also attend OTS programs, but are selected by their respective commands.

Health Professions

Air Force healthcare professionals www.airforce.com/careers/#education:healthcare-professional include medical doctors (both Allopathic or M.D., and Osteopathic or D.O.), dentists, nurses, health care administrators, optometrists, podiatrists, physical therapists, and other medical specialties. The requirements for different specialties change throughout the year. The Air Force selects a small number of physicians and dentists in civilian residency for the Financial Assistance Program, which provides a monthly stipend and annual grant; the service obligation is deferred until residency completion. The Air Force also offers a Health Professions Scholarship Program for individuals accepted to medical school and a Dental Health Professions Scholarship Program for individuals accepted to dental school. The Health Professions Scholarship Program is also used by the Nurse Corps and Biomedical Science Corps, albeit on a more limited basis. The Air Force pays the tuition and fees of selectees, as well as a monthly stipend.

To speak with a health professions recruiting professional, call (800) 588-5260.

Judge Advocate General's (JAG) Corps

Attorneys and law students may apply for a direct appointment to the Judge Advocate General's (JAG) Corps www.airforce.com/jag. To be eligible to enter the JAG Corps through the Direct Appointment Program (DAP), an attorney must be (1) a U.S. citizen; (2) a graduate of a law school approved by the American Bar Association (ABA); and (3) in an active (or equivalent) status with a current license in good standing to practice law before the highest court of a U.S. state, commonwealth or territory, or the District of Columbia. Applicants are competitively selected at boards held three times each year.

Law students may also enter the JAG Corps through the Graduate Law Program (GLP) or the One-Year College Program (OYCP). GLP and OYCP students are guaranteed positions as Air

Force judge advocates upon successful completion of the Air Force Reserve Officer Training Corps (AFROTC) Program, graduation from an ABA-approved law school, and completion of legal licensing requirements, including proof of active (or equivalent) status with a current license in good standing to practice law before the highest court of a U.S. state, commonwealth or territory, or the District of Columbia. Applicants apply for the GLP during their first year of law school and for the OYCP during their second year of law school.

Officers commissioned through college AFROTC Programs who are interested in delaying their entry onto extended active duty to study law may apply to the AFROTC Educational Delay (Ed Delay) Program. Applicants must have applied and ultimately be unconditionally admitted to a daytime J.D. program of study at an ABA-approved law school; must be in good academic standing; and must successfully complete the AFROTC Program and obtain a commission as a second lieutenant. Applicants apply for entry into the Ed Delay Program during their final year of undergraduate studies.

All applicants must complete an Air Force medical examination and be medically qualified by the Air Force Surgeon General prior to commissioning. Applicants must be able to complete 20 years of active commissioned service before reaching age 55 years. Therefore, individuals without prior commissioned officer service must be commissioned by their 35th birthday.

To speak with a JAG Corps recruiting professional, call (800) JAG-USAF (524-8723).

Chaplain Corps

Clergy who are citizens of the United States (dual citizenship not permitted) may apply for a direct appointment to the Chaplain Corps <http://www.airforce.com/chaplain>. To be eligible, clergy must have earned a Baccalaureate degree with no less than 120 semester hours and a Post-Baccalaureate degree with no less than 72 semester hours from an accredited institution. Applicants must also possess ecclesiastical endorsement from a Department of Defense-identified endorser and have at least two years of religious leadership experience. All applicants must successfully complete an Air Force commissioning physical and be determined as medically qualified before commissioning. Applicants must meet all requirements and receive their commission before their 42nd birthday.

To speak with a Chaplain Corps recruiting professional, call (800) 803-2452.

CHAPTER 4

SERVING ON ACTIVE DUTY

ACTIVE DUTY SERVICE COMMITMENT (ADSC)

Active Duty Service Commitments fulfill two very important functions. They assure the Air Force and the nation's taxpayers receive an appropriate return for their investment in money and/or time in training, education and bonuses. This includes training not provided by the Air Force. ADSCs also communicate to Air Force members the periods of obligated service they must complete before becoming eligible to separate or retire from the Air Force.

The Air Force establishes ADSCs for all active duty members who participate in ADSC-incurring events. ADSCs incurred for training or education will become effective on the graduation date or upon completion of required training or education.

Officers

Officers in the grades of colonel and below incur ADSCs when they begin training and complete all or a portion of an ADSC-incurring event. Air Force policy is that officers incur ADSCs voluntarily. If an officer is unwilling to accept an ADSC, he or she must elect separation or retirement from the Air Force in lieu of participating in the ADSC-incurring event.

The Total Force Service Center (TFSC) staff advises officers participating in ADSC-incurring events. Upon notification, officers accept or decline an ADSC before entering into an ADSC-incurring event. Members who are properly advised of an ADSC-incurring event who do not establish a date of separation (DOS) or retirement date under the 7-day option and attend or enter into the ADSC-incurring event are considered to have constructively accepted the ADSC. That being said, the Air Force recognizes that officers sometimes attend training that they would not otherwise have accepted had they been fully aware that they would incur an ADSC. In such cases, an officer may state his or her case through an appeal to the Air Force Board for Correction of Military Records.

Enlisted Members

Enlisted Airmen have established dates of separation. Any action which requires an ADSC, such as promotion to a senior enlisted rank, assignment or training, allows the member to reenlist or extend their enlistment to accept the action. In that an ADSC is independent of a date of separation, an ADSC does not establish a DOS.

ASSIGNMENTS FOR ENLISTED MEMBERS

Enlisted Assignments Process

The Air Force assignment selection process ensures fair and equitable treatment for Air Force members. The process considers Airmen eligible for overseas duty based on their grade (rank), Air Force Specialty Code (AFSC), previous overseas assignment history, tour length involved and volunteer status. For duty in long-tour areas, the process selects volunteers based on length of time at their current duty stations. Non-volunteers are selected based on overseas time compared with peers in the same grade and AFSC.

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For duty in short-tour areas, the process selects Airmen with no overseas service first, followed by those with the least number of short tours. When previous short-tour overseas service is equal, Airmen with the earliest short-tour return dates are selected first. In all cases, selections are made from among eligible volunteers before non-volunteers are considered. Additionally, all Airmen may volunteer for upcoming assignments on the Enlisted Quarterly Assignments Listing (EQUAL) and Special Duty Assignment Listing (EQUAL-Plus)—available through the Assignment Management System (AMS).

Enlisted Assignments Returning from Overseas

Procedures under the Assignment Management System (AMS) permit Airmen returning from overseas duty to review the EQUAL for available requirements in their grade/AFSC. Personnel officials match Airmen sequentially given established priorities by considering Air Force specialty, security clearance and special experience identifiers. Many members may not receive their assignment preferences because the needs of the service are paramount. Factors such as the number of overseas returnees, Air Force requirements versus personal preferences, and excessive numbers of applicants for assignments in the most preferred locations, all affect the ability to satisfy assignment preferences

Enlisted Quarterly Assignment Listing (EQUAL)

EQUAL is the listing used to advertise available overseas and stateside requirements. This listing reflects available requirements by AFSC and grade at particular locations.

Special Duty Assignment Consideration (EQUAL-Plus)

EQUAL-Plus is a listing of requirements by grade and AFSC for special duty assignments, Joint/Departmental assignments, and short-notice requirements. EQUAL-Plus is accessed via AMS. Assignment selection will occur after the volunteer-by date has expired. Airmen may volunteer for another assignment if the Military Personnel Section (MPS) has not notified them of selection within 45 days after the volunteer-by date. Airmen may volunteer for only one special duty at a time. Eligibility requirements vary and specific qualifications are shown in the advertisement or in the Special Category (SPECAT) Assignment Guide available at the MPS or online. Airmen may apply for special duties if their date of arrival coincides with the assignment reporting date plus 60 days.

ASSIGNMENT PROGRAMS & POLICIES

Follow-On Program

The purpose of the Follow-On Program is to reduce permanent change of station (PCS) costs and increase family stability. It does so by providing advance assignment consideration to members who meet program criteria and agree to certain conditions.

To be eligible for the Follow-On Program, Airmen must have elected or been selected to serve an overseas (OS) unaccompanied short tour of 17 months or less, and must be currently serving in the continental United States (CONUS), Alaska or Hawaii in order to request a follow-on assignment to a foreign OS location. If an Airman is currently serving in a foreign OS location, he or she may request a follow-on assignment only to the CONUS, Alaska or Hawaii.

When Airmen apply for follow-on assignments, either by hard copy submission as directed in Air Force Instruction 36-2110, *Assignments* (Attachment 5), or via virtual MPF, they must confirm

they have read and understand the Home-basing/Follow-on Entitlements and Restrictions Fact Sheet and that they will comply with the content of the agreement, which follows here.

“If my request for follow-on assignment is approved, in conjunction with my overseas and follow-on assignments, I agree that I may:

- a. Not move my dependents at government expense except to the follow-on location, but I may move them to any desired location at personal expense, and
- b. Not claim Dislocation Allowance (DLA) unless I’m moving my dependents to the follow-on location, and
- c. Not ship household goods (HHG) at government expense to other than the follow-on location (and only if I or my agent will accept delivery of my HHG upon their arrival at the follow-on location) (unless I am required to live off base at my projected assignment location), but I may ship HHG to any desired location at personal expense, and
- d. Not store HHG in nontemporary storage at government expense (see note below for an exception for single Airmen, single Airmen parents and military couples), but I may store them at personal expense during my unaccompanied overseas short tour assignment, and
- e. I may ship my privately owned vehicle (POV) at government expense to the overseas location, unless shipment of POV is prohibited to a particular location, or I am ineligible based on my rank.
- f. If denied continued occupancy of government-owned or controlled quarters, my dependents and HHG may be moved at government expense only within the same city, town or metropolitan area as prescribed by the Joint Travel Regulations (JTR), volume I.
- g. If I take action contrary to the above agreements without prior approval of a request for exception from HQ AFPC/DPAPPP, my home basing will be canceled.
- h. My follow-on assignment is subject to cancellation due to unavoidable changes in Air Force requirements (i.e., base closure, change in mission or weapons system, etc.) or individual qualifications (i.e., loss of AFSC, promotion, etc.).
- i. My follow-on assignment is subject to cancellation if I apply for a four-month or longer extension of my OS tour.
- j. As an exception, if I am a single member, a single member parent, or part of a military couple that will serve a concurrent but separate unaccompanied short tour, I can store HHG at government expense by the most cost-effective means (as determined by the local TMO).

Home-Basing Program

The purpose of the Home-Basing program is to reduce permanent change of station (PCS) costs and increase family stability. It does so by providing an Airman who meets program criteria and agrees to certain conditions an assignment back to the same continental United States (CONUS) location or long tour location in Alaska or Hawaii from which he or she departs.

To be eligible for the Home-Basing Program, Airmen must have elected or been selected to serve an overseas (OS) unaccompanied short tour of 17 months or less, and must be currently serving in the CONUS, Alaska or Hawaii.

When Airmen apply for home-basing assignments, either by hard copy submission as directed in Air Force Instruction 36-2110, *Assignments* (Attachment 5), or via virtual MPF, they must confirm they have read and understand the Home-basing/Follow-on Entitlements and Restrictions Fact Sheet and that they will comply with the content of the agreement, which follows here.

“If my request for home-basing assignment is approved, in conjunction with my overseas and return assignments, I understand and agree that I may:

- a. Not move my dependents at government expense, but I may move them at personal expense, and
- b. Not ship household goods (HHG) at government expense (unless I am required to live off base at the projected assignment location), but I may ship HHG at personal expense, and
- c. Not store HHG in nontemporary storage at government expense (see note below for an exception for single Airmen, single Airmen parents and military couples), but I may store them at personal expense during my unaccompanied overseas short tour assignment, and
- d. I may ship my privately owned vehicle (POV) at government expense to the overseas location, unless shipment of POV is prohibited to a particular location, or I am ineligible based on my rank, and
- e. If denied continued occupancy of government-owned or controlled quarters, my dependents and HHG may be moved at government expense only within the same city, town or metropolitan area as prescribed by the Joint Travel Regulations (JTR), volume I.
- f. If I take action contrary to the above agreements without prior approval of a request for exception from HQ AFPC/DPAPPP, my home basing will be canceled.
- g. My home-basing assignment is subject to cancellation due to unavoidable changes in Air Force requirements (i.e., base closure, change in mission or weapons system, etc.) or individual qualifications (i.e., loss of AFSC, promotion, etc.).
- h. My home-basing is subject to cancellation if I apply for a four-month or longer extension of my OS tour.
- i. As an exception, if I am a single member, a single member parent, or part of a military couple that will serve a concurrent but separate unaccompanied short tour, I can store HHG at government expense by the most cost-effective means (as determined by the local TMO).

Humanitarian Reassignments and Deferments

The Humanitarian Reassignments Office at the Air Force Personnel Center may authorize reassignment for humanitarian reasons when a severe, substantiated hardship exists within the Air Force member’s family. The Airman must clearly establish that the problem can be resolved only by reassignment and within a reasonable length of time (normally twelve months or less). In this regard, the Air Force does not consider applications favorably if they are based on a problem that would restrict further assignment for an extended period or necessitate relocation to a base or area where the Air Force cannot effectively use the member’s skills and training.

The Air Force may defer an Airman from reassignment for humanitarian reasons if his or her request substantiates the Airman’s presence is essential to alleviate a temporary hardship experienced by the family. Since indefinitely restricting assignment to one base or area would be prejudicial to other Airmen, and not in the best interest of the service, a deferment may be authorized only when it meets established criteria and when resolution of the problem can be expected within a reasonable length of time.

Exceptional Family Member Program (EFMP)

The Air Force Exceptional Family Member Program (EFMP) provides varied assistance to Air Force families who have documented special medical or educational needs. When substantiated by evidence submitted with their request, members may be reassigned or deferred from

reassignment to start or continue a medical/special educational program for their special needs family members under the EFMP. Retention at a particular location or reassignment, however, will depend upon both Air Force manning requirements and availability of medical/special educational facilities. Members with special needs family members will not be exempt from serving at overseas assignments. One purpose of the program is to place the family members so the military member can perform an equitable share of overseas service.

Join Spouse Program

Current Air Force policy provides that, military requirements permitting, married Airmen with military spouses may be assigned to the same or adjacent locations. Within established parameters, this policy gives military couples every practical opportunity to establish a common household and minimize their family separation. At times, duty commitments, mission requirements and equitable assignment considerations limit the ability to co-locate military spouses.

Military couples must share the responsibility for minimizing their family separation by judicious decisions relating to further service, career development and family planning. They should not base decisions in these areas on an assumption they will always have a joint assignment. Manning requirements are paramount in determining assignments. Accordingly, the Air Force cannot guarantee that military spouses will be assigned together. Approval of a join spouse application depends on the availability of a suitable requirement at the requested location.

Active duty same-sex couples must be married and provide a valid marriage certificate from a jurisdiction (including those overseas) which recognizes same-sex marriages before join spouse assignment consideration can be provided. Assignment policies and procedures for join spouse assignment consideration for same-sex military couples will be the same as those for heterosexual military couples.

Sole Surviving Son or Daughter

Air Force assignment policy concerning a sole surviving son or daughter is addressed in Air Force Instruction 36-2110, *Assignments*, Attachment 11. This policy pertains to an Airman who is the only surviving son or daughter in a family where the father, mother or one or more siblings served in the U.S. Armed Forces and as a direct result of the hazards of duty was killed; died as a result of wounds, accident or disease; is in captured or missing in action status; or is determined to be 100% disabled (including mental disability) by the Department of Veterans Affairs or one of the services. The death or disability need not have occurred in a combat zone, but must be a result of the hazards of duty and be determined to have been in the line of duty. Being an only child does not, in itself, qualify an Airman for sole surviving status.

Airman may submit a request for this assignment restriction. After meeting eligibility criteria and having documentary evidence, an Airman should complete an application available through the self-service actions on the vMPF, or virtual Military Personnel Flight, (vMPF for regular Air Force members; members of the Reserve and Guard should contact their Military Personnel Section for assistance), print the application, and provide it to his or her unit commander for recommended approval/disapproval.

Expedited Transfer

Expedited Transfer reassignments are processed by the Humanitarian/Exceptional Family Member Program (EFMP) Reassignments Office at the Air Force Personnel Center. Expedited Transfer actions only apply to military victims of sexual assault who file an unrestricted report with a Sexual Assault and Response Coordinator (SARC) and when the assignment action has been approved by the Airman's vice wing commander or equivalent. The intent of these actions

is to offer the option of a permanent change of station (PCS) or a temporary or permanent change of assignment (PCA) to a location that will assist with the immediate and future welfare of the victim, while also allowing him or her to move to a location that will offer additional support to facilitate the healing, recovery and rehabilitation process.

To enhance protection for the sexual assault victim, potential reassignment of the alleged offender may also be considered by the vice wing commander or equivalent, balancing the interests of the victim and the offender. The vice wing commander or equivalent must consult with the servicing staff judge advocate and military criminal investigation organization in making this decision when there is an open investigation. Reassignment options include a temporary or permanent change of assignment (PCA) or PCS to a location determined by Air Force needs.

PERMANENT CHANGE OF STATION (PCS) MOVES

Shipment of Personal Property

The Joint Travel Regulations (JTR), Chapter Five, Part A, derived from Titles 5, 10 and 37 of United States Code (U.S.C.), contains guidance on the entitlement to move household goods (HHG) and privately owned vehicles (POV). The authorized weight allowance for permanent change of station moves for uniformed members is established by grade and based on “with dependents and without dependents” status, as outlined in the JTR, paragraph 5200.

Military members married to military members are entitled to a combined weight allowance under some circumstances. Additional information is contained in Air Force Instruction 24-501, *Personal Property Moving and Storage*, and at Move.mil www.move.mil.

Allowances apply to the actual net weight of unpacked HHG. Adjustments are made for packing materials; in most cases, 10 percent is subtracted from the net weight. Professional books, papers and equipment (PBP&E) are not chargeable against weight allowances if required in the performance of a member’s duties; however, they must be declared before shipment. An after-the-fact declaration will be considered only when the shipment file contains indisputable intent to declare PBP&E. Packers must separately pack, mark, weigh and inventory professional gear, which cannot include any furniture items. In qualifying situations, an additional PBP&E weight allowance not to exceed 500 pounds may possibly be claimed for items that belong to a member’s spouse.

If the member ships more than the JTR authorized weight allowance, the Air Force computes charges for excess weight based on the least costly shipment. The Air Force Excess Cost Adjudication Function at the Personal Property Activity Headquarters performs this function for Air Force shipments. Movement of HHG to/from/between overseas locations is normally by surface transport, with a few exceptions for “hard lift areas.” The Joint Personal Property Shipping Office Director approves special circumstances.

Local Personal Property Processing Offices provide counseling on shipment and storage of HHG, POVs and mobile homes. The Director of Logistics manages the Air Force personal property shipment program.

Passport and Visa Issues

All inquiries, including Congressional inquiries, regarding passport and visa applications for DoD military and civilian personnel and dependents should be directed to the Logistics Services Washington/DoD Passport and Visa Office <https://passportmatters.hqda.pentagon.mil/index.aspx>. The office provides executive agency support for passport and passport agent services except in rare instances (i.e. a small

number of DoD commands deal directly with the State Department). Whatever the circumstances, the DoD Passport and Visa Office can provide and/or contact the appropriate personnel as needed.

Airmen may be encouraged to seek resolution of their passport and visa issues by directly contacting the DoD Passport and Visa Office at (703) 545-0003/0004, DSN 865-0003/0004 or via e-mail at usarmy.pentagon.hqda.mbx.lsw-passport-visa-customer-service@mail.mil. Customer service hours of operation are 8 a.m. to 4 p.m. Monday through Friday, federal holidays excluded.

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CHAPTER 5

AIR FORCE RESERVE & AIR NATIONAL GUARD MATTERS

AIR FORCE RESERVE

When Air Force reservists submit inquiries concerning their uniformed service, the Air Force Congressional Inquiry Branch is generally able to work within the purview of the Air Force, specifically with the Air Force Reserve Command, to address the issues and provide official responses to Members of Congress.

Reservists may also be encouraged to seek resolution of their issues through the interactive myPers personnel support website and/or the Total Force Service Center.

AIR NATIONAL GUARD

All Congressional inquiries regarding the activities of the Air National Guard and the uniformed service of its members should be directed to the National Guard Bureau Congressional Inquiries Branch <http://www.nationalguard.mil/Leadership/JointStaff/PersonalStaff/LegislativeLiaison/CongressionalInquiries.aspx>. Such matters fall outside the purview of the Air Force and, if received by the Air Force Congressional Inquiry Branch, will be transferred to the National Guard Bureau.

The National Guard Bureau Congressional Inquiries Branch is the central point of contact for all Congressional and White House correspondence. The Branch is responsible for receiving and responding to correspondence relating to the activities of the Army and Air National Guard and its members.

All requests should include the following: an authorization for release of information in accordance with the Privacy Act, full name, Social Security number, current military address and a description of the specific assistance required. To expedite processing, inquiries should be sent via e-mail to: Ng.ncr.arng.mbx.ngb-congressional-inquiries@mail.mil.

Guardsmen may also be encouraged to seek resolution of their issues through the interactive myPers personnel support website and/or the Total Force Service Center.

CHAPTER 6

READINESS FOR DUTY

SECURITY CLEARANCE

All Congressional inquiries regarding security clearances should be directed to the Office of the Assistant Secretary of Defense for Legislative Affairs. Though formerly handled by the Air Force Central Adjudication Facility (CAF), security clearance actions now fall outside the purview of the Department of the Air Force, and if received by the Air Force Congressional Inquiry Branch, will be appropriately transferred.

Inquiries should be directed via e-mail to osd.pentagon.oasd-la.mbx.constituent-inquiries@mail.mil or faxed to 703-693-5530.

AIR FORCE FITNESS PROGRAM

The goal of the Air Force Fitness Program www.afpc.af.mil/affitnessprogram/ is to ensure a fit and viable military force of active duty and reserve component members. The program is structured to motivate Airmen to participate in a year-round physical conditioning program that emphasizes total fitness, to include proper aerobic conditioning, strength and flexibility training, and healthy eating. Health benefits from an active lifestyle will increase productivity, optimize health, and decrease absenteeism while maintaining a higher level of readiness.

Air Force Instruction (AFI) 36-2905, *Fitness Program*, http://static.e-publishing.af.mil/production/1/af_a1/publication/afi36-2905/afi36-2905.pdf is the governing directive for the Department of the Air Force. The Air Force assesses the aerobic fitness, body composition, and muscular fitness (muscular strength and muscular endurance) of its Airmen to determine their overall fitness. The Air Force tailored its fitness program to meet DoD policies and objectives as well as the Air Force needs. AFI 36-2905 establishes standard and equitable application of program requirements.

Improving and maintaining optimal physical fitness and health is every Airman's responsibility. Airmen are encouraged to exercise regularly in individual and unit fitness programs, to follow intervention and rehabilitative programs as needed, and to comply with Air Force standards. Airmen must maintain an overall fitness score within prescribed standards. Those Airmen who do not meet fitness standards receive rehabilitative support via physical activity and nutrition counseling, a monitored fitness program, medical evaluation, and monthly follow-ups.

Commanders are responsible for execution of the AF Fitness Program. As such, commanders make every effort to assist Airmen in maintaining the fitness standards. Commanders may initiate (as concerns enlisted Airmen) or recommend (as concerns officers) administrative discharge only after an Airman has received four unsatisfactory fitness assessment scores in a 24-month period; has failed to demonstrate significant improvement (as determined by the commander) despite a minimum reconditioning period; and has had their medical records reviewed by a military health care provider to rule out medical conditions precluding a passing score. Administrative actions for failing to comply with the standards of the fitness program include, but are not limited to, verbal counseling, written reprimand, denial or deferment of promotion, demotion and separation.

URINALYSIS DRUG SCREENING PROGRAM

The Air Force urinalysis drug-screening is executed through the services' Drug Demand Reduction Program (DDRP). The primary deterrent in the DDRP is the threat to the individual's career and the certainty of legal or administrative action. The Air Force views illegal or improper drug use as incompatible with military service. All Air Force personnel, regardless of pay grade, who are found to be involved with drug abuse (through means other than self-identification) are subject to criminal prosecution. The member faces possible confinement, reduction in rank, forfeiture of pay, and/or dishonorable discharge. The base Alcohol and Drug Abuse Prevention and Treatment Program evaluates all active duty members identified as abusing drugs.

Urinalysis drug screening is accomplished through random sampling, individual sampling (command-directed/probable cause) and unit sweeps. Each Air Force installation must conduct random military urinalysis testing a minimum of eight randomly selected days per month, and every assigned active duty Air Force member is eligible for selection each time. Consequently, each Air Force member is eligible for random selection at least 96 times per year. Once authorities notify a member of their selection to provide a sample, the member must report to the designated collection site within two hours. This is necessary to ensure members do not have time to "flush" their system before submitting the sample.

Installation-specific intelligence/drug threat assessment from the Air Force Office of Special Investigations and Security Forces is provided to installation commanders to enable them to conduct sweeps on units or populations that are at greatest risk for using drugs. The commander also has the authority to modify testing procedures in response to changes in the drug threat environment. This may include increased weekend testing, after-hours testing, gate checks after hours, increased frequency of testing or increased rate of testing. These sampling methods ensure a constant chance of selection, and thus detection, throughout a member's Air Force career.

The Air Force screens all personnel applying for entrance during accessions processing at the Military Entrance Processing Station (MEPS). All new accessions are also tested within 48 hours of arrival at Basic Military Training School, Consolidated Officer Training School, Basic Officer Training School, and the Air Force Academy. Drug testing is also conducted for Air Force civilian employees working in testing designated positions.

CHAPTER 7

DEPLOYMENT SUPPORT

One of the missions of the Airman and Family Readiness Center (A&FRC) is to offer pre-deployment, sustainment, redeployment and post-deployment and reintegration services. These services provide information; improve skills by fostering competencies and coping mechanisms; and offer support that will help Airmen and their families deal with the demands of the expeditionary military mission. These services are available to all active duty, reserve and guard servicemembers, DoD civilians and their families.

PRE-DEPLOYMENT SUPPORT

Pre-deployment support for service members and families begins with a mandatory pre-deployment consultation for the member. The consultation includes information on deployment; stress; staying connected; sustainment services offered during the deployment; personal and family readiness (emphasizing finances, legal matters and personal details); and return and reunion support. If family members are unable to attend the consultation, A&FRC staff members contact them to share resources and identify available services.

SUSTAINMENT PROGRAMS

Sustainment programs are available to families for the duration of the deployment and are designed to reduce stress. These programs include free vehicle oil changes, limited free child care, and respite care for families with special needs. Information about these and other programs is disseminated by the Readiness Non-Commissioned Officer and other A&FRC staff via face-to-face meetings, newsletter, e-mail and telephone contact. Other sustainment support includes:

- ❑ The Hearts Apart Program, which includes morale calls, free e-mail/webcam access, peer support through coordinated dinners, and the unit-based Key Spouse Program;
- ❑ Information and referral services, applicable to Air Force Aid Society <http://www.afas.org/> programs such as “Give Parents a Break” and “Car Care Because We Care;”
- ❑ Partnering with parents, local school authorities and teachers to help them better understand the unique stressors impacting children of deployed military, including the dissemination of materials addressing deployment;
- ❑ Military OneSource <http://www.militaryonesource.mil/>, a Department of Defense-funded program providing comprehensive information on every aspect of military life at no cost to active duty, Guard and Reserve service members and their families. Information includes, but is not limited to, deployment, reunion, relationship, grief, spouse employment and education, parenting and child care. Military OneSource also offers non-medical counseling;
- ❑ USO <http://www.uso.org/>, another great resource for programs aimed at assisting servicemembers;
- ❑ Yellow Ribbon Reintegration Program (YRRP) <http://www.yellowribbon.mil/>, a DoD-wide effort to promote the well-being of National Guard and Reserve members, their families and communities by connecting them with resources throughout the deployment cycle. YRRP works in conjunction with federal partners, including the Small Business Administration and

the Departments of Labor and Veterans Affairs, to provide up-to-date and relevant information to the members of the all-volunteer force and their families;

- ❑ The Office of the Assistant Secretary of Defense Reserve Affairs website <http://ra.defense.gov/>, which hosts mobilization and demobilization guides designed to provide Guard and Reserve members with valuable information concerning Presidential executive orders, DoD policy documents, pay and allowances, healthcare options, family support resources, financial assistance, demobilization, reemployment rights, and assistance for students and small business owners.

REDEPLOYMENT CONSULTATIONS

Redeployment consultations are provided by A&FRC staff for families at the home station and by chaplain services for returning servicemembers in theater. Services for families are typically provided in group settings; however, walk-in consultation and one-on-one services are also available. Topics such as managing expectations, adapting to change, and signs and symptoms of Post-Traumatic Stress Disorder are discussed.

As concerns Explosive Ordnance Disposal, Security Forces, Transportation and Medical Airmen, most all redeploying servicemembers may participate in programs at the Deployment Transition Center (DTC) at Ramstein Air Base, Germany, in the process of returning home. The DTC, established in July 2010 to support a smooth transition to home station, provides a brief opportunity for servicemembers to decompress from their deployment, readjust to a more typical environment, and learn resilience skills before setting foot back on American soil. Research has shown solid evidence that the DTC helps servicemembers by decreasing symptoms of Post-Traumatic Stress Disorder as well as reducing problematic alcohol use and relationship problems. Most servicemembers don't require mental health care, but if needed, all have access to mental health treatment in theater while deployed and again once they return home at their local Military Treatment Facility.

POST-DEPLOYMENT AND REINTEGRATION SERVICES

Post-deployment and reintegration services for both servicemembers and families include welcome home events, classes and workshops on reintegrating back into the family, community and workplace. Non-clinical counseling and referral to other helping agencies is available as needed. Other post-deployment support includes:

- ❑ Military & Family Life Counseling Program (MFLC) https://www.mhngs.com/app/programsandservices/mflc_program.content, which provides non-medical counseling before, during, and after deployment. Their most requested classes focus on stress management and relationship enhancement; one-on-one counseling is available;
- ❑ Transition Goals Plans Success (Transition GPS) Program www.dmdc.osd.mil/tgps/, formerly the Transition Assistance Program (TAP), which is a cohesive, modular, outcome-based program that provides opportunities and aids in successful transition into a "career ready" civilian;
- ❑ TRICARE Transitional Assistance Management Program (TAMP) <http://www.tricare.mil/TAMP>, a program that provides 180 days of transitional health care to certain uniformed servicemembers and their families. To be eligible, National Guard and Reserve members

must have been ordered to active duty for more than 30 consecutive days in support of a contingency operation.

- ❑ DoD Deployment Health Clinical Center (DHCC) website <http://www.pdhealth.mil/reservist/personnel.asp>, which provides information, guidance, and related links on healthcare and servicemember/family support services specifically for National Guard and Reserve members and their families;
- ❑ The Uniformed Services Employment and Reemployment Rights Act (USERRA) <http://www.dol.gov/vets/programs/userra/>, a federal law that provides servicemembers and former servicemembers protections related to the civilian jobs they held before being called up for active duty. USERRA applies to all public and private employers in the United States, regardless of size, and applies to any foreign company with a physical branch or location in the United States. Public employers include all federal and state government offices and political subdivisions. A servicemember qualifies for USERRA protection if he or she left a civilian job to enter military service for duty. The law covers all categories of military training and service, and applies to both National Guard and Reserve members, as well as active component personnel.

CHAPTER 8

PERSONNEL-RELATED MATTERS

RESOURCES

Total Force Service Center

The Total Force Service Center (TFSC) <http://www.afpc.af.mil/library/tfsc.asp> provides 24/7 customer support to the Total Force, including active duty, National Guard and Reserve members, as well as Air Force civilian personnel, via its call center and the myPers website (more information below). The TFSC centralizes processes to include assignments, benefits and entitlements, casualty, duty history, retraining, separations, retirements and deployed re-enlistments. The TFSC provides customers with seamless access to personnel information services.

Professionals at the TFSC are available by phone Monday through Friday, 6 a.m. to 6 p.m. MST and in support of Unit Training Assemblies on the first three Saturdays of each month from 8 a.m. to 4 p.m.

To speak with a TFSC professional, call (800) 525-0102 or (210) 565-0102.

The myPers Website

All Total Force Airmen, including active duty, National Guard and Reserve members, as well as Air Force civilian personnel, may access myPers, <https://gum-crm.csd.disa.mil/app/login/redirect/home> the Air Force's personnel support website. Either a user ID and password or a Common Access Card (CAC) is required of servicemembers to gain access. The site is categorically tailored to each segment of the Total Force and allows all Airmen, regardless of status, to electronically perform a wide array of personnel actions, make requests for assistance and learn more about a variety of topics.

For example, myPers provides all Airmen the means to view their records, correct duty history, update DEERS information, change/correct retirement points, and request a correction to a Defense Department (DD) Form 214. The site also hosts detailed information on the following topics: assignments, benefits and entitlements, career management, classification, compensation, deployment, evaluations, force development, mobilization/demobilization, new hire, promotion, recognition, retirement, separation, systems support and training.

PERSONNEL RECORDS

Air Force Board for Correction of Military Records (AFBCMR)

The Air Force Board for Correction of Military Records (AFBCMR) <http://www.afpc.af.mil/afveteraninformation/airforceboardforcorrectionofmilitaryrecords/> is the highest level of administrative review within the Department of the Air Force. Unless procured by fraud, a decision by the board is final and conclusive on all officers of the United States. The board is composed of civilians from the executive level of the Air Force who are appointed by the Secretary of the Air Force and have statutory authority to correct any military record and, when necessary, to correct an error or injustice.

The AFBCMR thoroughly examines matters submitted, then renders a decision on behalf of the Secretary of the Air Force and, when appropriate, will direct the correction of military records.

Applications must be submitted within three years of a servicemember's last active duty tour or, if already separated, within three years of the error or injustice; however, the board may excuse the three-year limit in the interest of justice. Submission of an application should not be interpreted as an automatic approval. The final determination is based on the information submitted, and the case is decided only after careful consideration of the evidence presented, with the burden of proof resting upon the applicant.

An applicant must exhaust all available administrative remedies before applying to the AFBCMR. In addition, the burden of proving the existence of an error or injustice rests with the individual applicant, as the AFBCMR is not an investigative body. As such, it is in an applicant's best interest to provide all supporting documentation at the time their application is submitted, to include personal copies of documents from their military records; this is advisable because numerous records were destroyed at the National Personnel Records Center in 1973 by fire. The applicant may use Air Force Instruction 36-2603, *The Air Force Board for Correction of Military Records* http://static.e-publishing.af.mil/production/1/af_a1/publication/afi36-2603/afi36-2603.pdf, and Air Force Pamphlet 36-2607, *Applicant's Guide to the AFBCMR* http://static.e-publishing.af.mil/production/1/af_a1/publication/afpam36-2607/afpam36-2607.pdf, as guides in applying for a correction of military records.

The Secretary of the Air Force, Review Boards Office (SAF/MRBR), requires the signed, original copy DD Form 149, *Application for Correction of Military Record* <http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd0149.pdf>, prior to officially accepting the application. Once pertinent military records have been obtained, an application will be evaluated by an office of primary responsibility (OPR). In this regard, the OPR evaluation assists the AFBCMR in the decisional process by addressing the regulatory guidance in effect at the time of the alleged error or injustice; however, the OPR **does not** represent the final decision on a case.

Copies of advisory opinions are provided to applicants who then have 30 days in which to respond or submit additional evidence in support of the request. SAF/MRBR professionals will inform the applicant when they forward the application to the board and will furnish instructions for providing any additional evidence before the AFBCMR renders a final decision. Upon receipt of the applicant's comments or expiration of the comment period, the case is presented to the board in the order in which it was received. The AFBCMR normally considers applications within six to eight months after receipt, although additional time may be required if the file is not complete. Delays may occur if the records are not complete and/or the Air Force Personnel Center has to reconstruct records.

MILITARY AWARDS & DECORATIONS

Process for Award Consideration

While the Air Force aims to grant members their recognition as quickly as possible, the overall timeline for submitting decorations (except the Purple Heart) is three years from the date of the act or achievement for which the recognition is being sought. However, Section 1130, Title 10, United States Code, provides for the consideration of an award or the upgrade of a decoration even if it is not submitted in a timely manner. Members may not recommend themselves. The law allows for the submission of award recommendations and the upgrading of previously approved awards without regard to any previously imposed time constraints for submission if referred by a Member of Congress. In order for a request to be reasonably considered under the provisions

of this law, the following guidance is provided to assist in preparing a recommendation. The following items aid the consideration for award:

Whether an award is processed upon initial act or accomplishment, or whether it is reconstructed, the award recommendation should contain information pertaining to the Airman and his or her unit of assignment during the period for which the Airman is being recognized. Each recommendation should clearly identify which award is being recommended. In addition, the recommendation must include the reason for recognition, be it heroism, achievement or meritorious service, and the inclusive dates of the act.

- ❑ A narrative citation of the action(s) for which the Airman is being recognized.
- ❑ Eyewitness statements attesting to the act(s) of valor or service performed, sworn affidavits, certificates and any other related documentation. As a general rule, corroborating evidence is best provided by former commanders, leaders and fellow comrades who had personal knowledge of the circumstances and events relative to the recommendation.
- ❑ Under the provisions of this law, requests not previously submitted in a timely manner will be considered if the request is referred to the Secretary of the Air Force by a Member of Congress, e.g., a recommendation letter by the Member of Congress should be addressed to the Air Force Director of Legislative Liaison acting on behalf of the Secretary. Upon receiving and reviewing the recommendation and the veteran's official record from the National Personnel Records Center, the Secretary will determine (through his or her representative) the merits of approval, and the Secretary's staff will notify the applicant of the decision.

In the case of recommendations for World War II veterans, the Army Air Force Transfer Agreement of 1948 gives the Department of the Army authority to act on and process all recommendations for decorations, with the exception of the Distinguished Flying Cross and Air Medal, for acts which occurred prior to July 1, 1948, regardless of whether the individual performed service with the Army, Air Corps, Army Air Forces or the United States Air Force.

Given the significant passage of time in some instances, constituents may not have immediate access to the documentation required to justify a military decoration. The following agencies may be able to help:

Air Force Historical Research Agency <http://www.afhra.af.mil/index.asp>

AFHRA/RSA
600 Chennault Circle
Maxwell AFB, AL 36112-6424

(334) 953-2395
AFHRANEWS@maxwell.af.mil

* The agency may be able to provide information recorded in unit/group history.

Air Force Safety Center <http://www.afsec.af.mil/index.asp>

HQ USAF/SE
9700 Avenue G Southeast Suite 240
Kirtland AFB, NM 87117-5670

Washington National Records Center <http://www.archives.gov/dc-metro/suitland/>

205 Suitland Road
Suitland, MD 20746-8001

National Archives & Records Administration <http://www.archives.gov/veterans/>
Veterans Service Records
700 Pennsylvania Avenue, NW
Washington, DC 20408

National Personnel Records Center <http://www.archives.gov/st-louis/military-personnel/>
NPRC/NCPMAO
1 Archives Drive
St. Louis, MO 63138
(314) 801-0800
MPR.center@nara.gov

Air Force Worldwide Locator <http://www.afpc.af.mil/library/airforcelocator.asp>
AFPC/DSIW
550 C Street West, Suite 50
Randolph AFB, TX 78150-4752
(210) 565-2660

* The Air Force Worldwide Locator may assist servicemembers in locating active duty, Reserve, Guard, retired and civil service personnel.

Medals

A complete list of Air Force medals, their establishment dates and other information may be found at the Air Force Personnel Center's Awards and Decorations website <http://www.afpc.af.mil/library/awards/>. The following medals are listed in order of precedence.

Medal of Honor

The President awards the Medal of Honor (MOH) <http://www.afpc.af.mil/library/factsheets/factsheet.asp?id=7707> in the name of Congress to a person who distinguishes himself or herself by conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty as a member of the Air Force: while engaged in an action against an enemy of the United States; while engaged in military operations involving conflict with an opposing foreign force; or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

Each recommendation for the MOH must incontestably prove that the self-sacrifice or personal bravery involved conspicuous risk of life, the omission of which could not justly cause censure.

In the case of World War II decorations, the Army Air Force Transfer Agreement of 1948 gives the Department of the Army authority to act on and process all recommendations for decorations (except the Distinguished Flying Cross and Air Medal) for acts which occurred prior to July 1, 1948, regardless of whether the military service was performed with the Army, Air Corps, Army Air Forces or the United States Air Force.

The Secretaries of the military departments establish the procedures for processing MOH recommendations for their respective Service. Those recommendations will contain the endorsement of the component commander to the Unified Combatant Command or Joint Task Force Commander, if involved, and the Unified Combatant Commander concerned.

Distinguished Flying Cross

The Distinguished Flying Cross (DFC) <http://www.afpc.af.mil/library/factsheets/factsheet.asp?id=7767> is awarded to any officer or enlisted member of the Armed Forces of the United States

who, after April 6, 1917, distinguishes him or herself in actual combat in support of operations by heroism or extraordinary achievement while participating in an aerial flight.

See information below concerning changes to the award criteria for the DFC.

Purple Heart

The Services award the Purple Heart (PH) <http://www.afpc.af.mil/library/factsheets/factsheet.asp?id=7772> for wounds received as a direct result of enemy actions (i.e., gunshot or shrapnel wounds, hand-to-hand combat wounds, forced aircraft bail out injuries, etc.). Eligibility for the PH now extends to former prisoners of war who were held prior to April 25, 1962, and who suffered wounds or injuries at the hands of their captors. A caveat is that the wound(s) required or received treatment by medical personnel; indirect injuries do not meet the PH criteria. These include, but are not limited to, injuries received while seeking shelter from mortar or rocket attacks, aircraft bombings or grenades, and injuries incurred while serving as an aircrew member or in a passenger status as a result of the aircraft's evasive measures against hostile fire.

The Purple Heart Review Board (PHRB) has the authority, on behalf of the Secretary of the Air Force, to determine a veteran's entitlement to the PH. The PHRB considers each request based on the policies and criteria effective at the time of the injury, and the determination depends on the documentary evidence presented. The PHRB requires the following:

A detailed personal account of the circumstances surrounding the injury, to include specifics as to how it occurred, exact date of injury, unit of assignment and rank held at the time of injury. If the board approves the request, the member's rank and date of the injury must appear on the special order and certificate.

Medical documents to substantiate receipt of medical treatment. If medical documents are not available, applicants may submit a statement from a medical officer (military or civilian) attesting that an examination reveals that an injury of the type incurred would or should have received medical treatment. Statements from individuals, not substantiated by either medical or official records, will not constitute sufficient evidence of wounds. In this respect, entries on Discharge Certificates are not official. For service related conditions noted by the VA, the injury must have been a direct result of the enemy and meet the PH criteria. Not all service-connected injuries were caused by enemy forces.

If possible, an eyewitness account from an individual who saw the event that caused the injury and can attest to the circumstances surrounding the applicant's personal account.

Air Medal

The Air Medal (AM) <http://www.afpc.af.mil/library/factsheets/factsheet.asp?id=7775>, established by Executive Order 9158, dated May 11, 1942, and amended by Executive Order 9242, dated September 11, 1942, is awarded to any officer or enlisted member for single acts of heroism or meritorious achievements while participating in aerial flight and, in the case of foreign military personnel, in actual combat in support of operations. Required achievement is less than that required for the DFC, but must be accomplished with distinction above and beyond that expected of professional Airmen. It is not awarded for peace time-sustained operational activities and flights.

See information below concerning changes to the award criteria for the AM.

Changes to Award Criteria for the Distinguished Flying Cross & Air Medal

The requirements for the DFC and AM changed dramatically early in World War II. Major General Henry H. Arnold, Chief of the Air Corps, traveled to Europe to investigate the large numbers of medals awarded. This investigation caused General Arnold to change the award

criteria by eliminating the “scorecard” (number of missions completed) approach to awards. Effective August 14, 1943, new criteria included heroism or extraordinary achievement. Heroism is a voluntary action taken in the face of great danger, above and beyond the call of duty, while participating in aerial flight. Extraordinary achievement is an act accomplished while in aerial flight, the results of which are so exceptional that it clearly sets one apart from his comrades.

This change had a dramatic effect on the awards program at the time. Many Air Corps members were “promised” the DFC or AM based on the scorecard criteria, but many could not meet or substantiate awards under the new criteria. Also, many members believed they were going to receive the DFC or AM because the new criteria may not have received effective publicity. When reviewing requests for these awards, Air Force officials must use the criteria in effect at the time the achievement took place.

Application for the DFC and AM changed from a nomination to a fully justified recommendation submitted by an immediate supervisor; the recommendation must outline the heroic acts in combat flight or extraordinary achievement while participating in aerial flight that warrant the award. Officials occasionally used missions to substantiate the award, but missions could not constitute the sole basis for automatic award of these medals. The immediate supervisor or commander had to submit a recommendation that outlined the meritorious achievement in flight that warranted the award. To be recommended for these awards, former commanders, supervisors and fellow comrades who had personal knowledge of the circumstances and events relative to the heroic act in combat flight or the extraordinary achievement must make the recommendation.

Sample Citation to Accompany the Award of

THE DISTINGUISHED FLYING CROSS

°TO

[FULL RANK, NAME OF RECIPIENT]

[Full rank, Name of recipient] distinguished himself by exceptionally meritorious conduct in the performance of outstanding services to the United States as a B-24 Aerial Gunner on high-altitude bombing missions on December 4, 1944, and March 2, 1945. During both missions [Rank, Name of recipient i.e. Sergeant Smith] risked his life to save the aircraft and crew despite extreme low temperature and heavy enemy anti-aircraft fire. On the first mission, after the bomb run, two armed bombs hung precariously in the bomb bay, precluding closing the doors. [Rank, Name of recipient] removed his parachute and oxygen mask, climbed into the open bomb bay and somehow managed to jettison the bombs. On the second mission, the bomb bay doors were jammed open, severely limiting the aircraft’s range. Again, [Rank, Name of recipient] removed his parachute and oxygen mask, climbed into the open bomb bay and unjammed the doors. These selfless actions prevented the aircraft and crew from performing an emergency landing in enemy territory or ditching. The superior initiative, outstanding leadership and tremendous courage displayed by [Full Rank, Name of recipient] reflect great credit upon himself and the United States [Air Force or Army Air Corps].

CHAPTER 9

EDUCATION BENEFITS

Detailed information on veterans' education benefits, including the Montgomery GI Bill (MGIB), the Post-9/11 GI Bill, the Reserve Educational Assistance Program (REAP), the Veterans Educational Assistance Program (VEAP) and the Survivors and Dependents Educational Assistance Program, is available at the Department of Veterans Affairs (VA) Education & Training website <http://benefits.va.gov/benefits/>.

It should be noted that the VA does not approve schools or programs for benefits. Each individual state approves schools and courses within its purview. To find out if a school or program is approved for VA educational benefits, individuals should contact the school's VA Certifying Official.

Eligible members may receive a total of 48 months of benefits from more than one VA educational program. For example, a member who uses 30 months of Dependents Educational Assistance (Chapter 35, Title 38, United States Code, or USC) may also qualify for Chapter 1606 (MGIB-Selected Reserve) or MGIB-Active Duty Chapter 30 benefits.

THE MONTGOMERY GI BILL FOR ACTIVE DUTY

On October 19, 1984, Congress enacted what is known as the Montgomery GI Bill for Active Duty (MGIB-AD) http://www.benefits.va.gov/gibill/mgib_ad.asp, Chapter 30, Title 38, USC. As of July 1, 1985, the Air Force began automatically enrolling individuals in the MGIB program unless they disenrolled during Basic Military Training. Once enrolled, active duty members contribute to the MGIB program through a non-refundable pay reduction (prior to tax deductions) of \$100 per month for the first twelve full months of active duty. Eligible individuals may also contribute a maximum \$600 (post tax) to increase the full-time monthly benefit by \$150.

To receive full post-service benefits as veterans, members must serve at least three years of continuous active duty after June 30, 1985; obtain a high school diploma or equivalent prior to application for benefits; and separate from the service with a fully "honorable" discharge. The following exceptions exist for required service: individuals will be eligible for one month of benefits for each month served if separated for disability, certain medical conditions, reduction in force, or hardship; or individuals honorably discharged for convenience of the government must serve at least 30 months to earn benefits.

Graduates of Service Academies are not eligible for MGIB benefits unless they earned the benefit during an earlier period of service as an enlisted Airman or are involuntarily separated for disability, certain medical conditions, reduction in force, or hardship. Officers who received a commission after September 30, 1996, upon completing an ROTC scholarship program (and received less than \$3,400 during any one year of ROTC) are eligible for MGIB benefits. Those receiving more than \$3,400 are ineligible unless they established the benefit during a previous term of active duty.

Air Force members can begin using in-service benefits after two years of active duty (provided they are not participants of the loan repayment program). Benefits expire ten years after the last discharge or release date from active duty service. As of October 1, 2011, the program pays for academic institution education at the rate of \$1,437 a month for students in full-time status for up to 36 months. The program pays a three-quarter-time student at the rate of \$1,104.75 a month,

and a half-time student at a rate of \$736.50 a month. Increases occur based on an adjustment to the consumer price index or specific legislation.

The program pays for studies at post-secondary institutions approved by the Department of Veterans Affairs (VA). Certain apprenticeships and other on-the-job training, cooperative, farm cooperative, correspondence training and flight training programs also qualify for payment. The rates at which individuals in such programs are paid differ from the academic institution rates.

Effective March 1, 2001, individuals may be reimbursed up to \$2,000 per test for VA-approved licensing and certification programs. For correspondence courses, individuals may receive 55 percent of the approved charges for the course. For flight training, individuals may receive 60 percent of the approved charges for the course.

Vietnam-Era GI Bill: “Rollover” to the Montgomery GI Bill

The Vietnam Era GI Bill, Chapter 34, Title 38, USC, was available to all individuals who served at least 180 days of active duty between January 31, 1955, and January 1, 1977. Included are individuals who entered with delayed enlistment contracts prior to January 1, 1977, and later served on active duty. The benefit expired on December 31, 1989. However, individuals who remained on active duty between October 19, 1984, and at least through June 30, 1988, became MGIB participants (Chapter 30, Section 3011, Title 38, USC).

Post-Vietnam Veterans Educational Assistance Program (VEAP): Converting to the Montgomery GI Bill

Two categories of individuals were provided opportunities to convert their Veterans Educational Assistance Program (VEAP) <http://www.benefits.va.gov/gibill/veap.asp> benefits to the MGIB (Chapter 30, Section 3018C, Title 38, USC).

The VEAP (Chapter 32, Title 38, USC) was available on a contributory basis for individuals who first entered active duty between January 1, 1977 and June 30, 1985. Their contributions, totaling a maximum of \$2,700, were matched by the government on a \$2-for-\$1 basis. Two conversion “open season” opportunities allowed VEAP participants to convert to the MGIB between October 9, 1996, and October 8, 1997, and between November 1, 2000, and October 31, 2001. Those who converted their benefits were required to pay \$1,200 or \$2,700, respectively. These individuals gave up all claims to VEAP benefits.

Transferring the Montgomery GI Bill to Dependents

The law, as outlined in Section 3020 of Chapter 30, Title 38, USC, may authorize MGIB participants in critical skills an opportunity to transfer education benefits to spouses and/or qualifying children. A maximum of 18 months of entitlements may be transferred to a spouse or child. To participate, individuals must complete at least six years of service and agree to serve an additional four years of active duty. The Air Force conducted a one-year test program in Fiscal Year 2003, but only approximately 65 individuals enrolled.

THE MONTGOMERY GI BILL FOR SELECTED RESERVE (MGIB-SR)

The Montgomery GI Bill-Selected Reserve http://www.benefits.va.gov/gibill/mgib_sr.asp (Chapter 1606, Title 10, USC) is an education program enacted by Congress to attract high-quality men and women into the reserve components of the Armed Forces. This program is for members of the Selected Reserve of the Army, Navy, Air Force, Marine Corps and Coast Guard, as well as members of the Army and Air National Guard.

Chapter 1606 helps eligible individuals further their education after high school. It provides education assistance for people enrolled in approved programs of education or training. Remedial, refresher, deficiency training, tutorial assistance and work study benefits are available under certain circumstances. It is the first such program that does not require service in the active Armed Forces in order to qualify. A member may be entitled to receive up to 36 months of education benefits.

To participate, individuals must accept a six-year obligation to serve in the Selected Reserve. An officer must agree to serve these six years in addition to any current obligation. Individuals must earn a high school diploma or equivalency certificate and complete initial active duty for training before applying for benefits. Individuals must also drill in a Selected Reserve unit and remain in good standing (i.e., participate regularly).

As of October 1, 1990, a member of the Selected Reserve with a bachelor's degree can become eligible for MGIB-SR benefits by signing a new contract that will result in a six-year obligation. As of November 30, 1993, a member of the Selected Reserve can become eligible for graduate level education without signing a new six-year contract.

If a member's eligibility for this program began on or after October 1, 1992, his or her period of eligibility ends 14 years from the beginning date of eligibility, or on the day the member leaves the Selected Reserve. If a member's eligibility for this program began prior to October 1, 1992, his or her period of eligibility ends 10 years from the beginning date of eligibility, or on the day the member leaves the Selected Reserve.

Individuals who leave the Selected Reserve before the end of their six-year commitment can still use the full years of eligibility if their separation was not due to misconduct; if the Air Force deactivated their unit between October 1, 1991, and September 20, 1999; or if the Air Force Reserve involuntarily separated them under Section 286(b), Title 10, USC, between October 1, 1991, and September 30, 1999. In all other cases, if a member leaves the Selected Reserve before completing the six-year obligation, Chapter 1606 benefits will end and recoument action will be taken.

THE POST 9/11 GI BILL

The Post-9/11 GI Bill http://www.benefits.va.gov/gibill/post911_gibill.asp (Chapter 33, Title 38, United States Code) became effective August 1, 2009, and provides up to 36 months of educational benefits for qualified Airmen. The Department of Veterans Affairs (DVA) oversees the program and determines eligibility. To be eligible, Airmen must have served on active duty (for as little as 90 days of aggregate service) on or after September 11, 2001, to qualify for benefits. Those who have already separated or retired from service (after September 11, 2001) must have received an honorable discharge to qualify for benefits. Additionally, individuals discharged with a service-connected disability after 30 days may also be eligible. Generally, benefits are payable for 15 years following release from active duty.

Post-9/11 GI Bill benefits may be used for an approved program of education offered by an Institution of Higher Learning (IHL). The Post-9/11 GI Bill pays tuition based upon the highest in-state tuition charged by a public educational institution in the state where the school is located. Additionally, tutoring assistance (up to \$100 per month, not to exceed a total of \$1,200), and licensing and certification test reimbursement (not to exceed a total of \$2,000) is also available. The amount of support that an individual may qualify for depends on where he or she lives and what type of degree he or she is pursuing.

One of the greatest benefits of the Post-9/11 GI Bill is the ability to transfer the benefit to eligible dependents. In order to transfer benefits to their dependents, Airmen must be serving in the armed forces at the time of transfer. Additionally, they must have at least six years of time in service and agree to serve an additional four years. Members who were retirement eligible or who become retirement eligible between August 1, 2009, and August 1, 2012, could transfer benefits if they agreed to serve a graduated period of service (between one and three years depending on the year group).

DVA pays tuition and fees directly to the school. Benefits also include a monthly stipend equal to the basic allowance for housing (BAH) payable to an E-5 with dependents. A yearly stipend of up to \$1,000 per year for books and supplies is also available and paid directly to the Airman. There is also a one-time payment of \$500 available to certain Airmen relocating from highly rural areas. Individuals enrolled exclusively in online training will not receive the housing allowance. Individuals on active duty will not receive the housing allowance or books and supplies stipend. Members should contact their local Air Force Base Education Center if they have any questions.

TUITION ASSISTANCE (TA)

The Top-Up Program

The Top-Up Program http://www.benefits.va.gov/gibill/tuition_assistance.asp (Chapter 30, Section 3014, Title 38, United States Code) pays the difference between the cost of a college course or courses and the amount of tuition assistance (TA) paid by the Air Force toward the course(s). Individuals must qualify for TA, be enrolled to receive MGIB benefits, and have served at least two years on active duty.

Individuals may receive 36 months of Top-Up payments. The benefit per course is limited to the maximum MGIB monthly pay rate. In no instance can the total TA and Top-Up payment exceed the total course cost.

If an individual receives the Top-Up benefit, his or her regular MGIB benefits will be reduced. The amount of entitlement charged for Top-Up payment is determined by dividing the amount of the payment by the claimant's full-time monthly rate.

Off Duty Education While on Active Duty

Section 2007, Title 10, United States Code, provides payment of tuition for military personnel and reads, "...the Secretary of a military department may pay all or a portion of the charges of an educational institution for the tuition or expenses of a member of the armed forces enrolled in such educational institution for education or training during the member's off-duty periods." TA for active duty personnel is a uniform policy for all services.

The latest update to this policy was effective October 2003 and provides 100 percent of the cost of tuition and related instruction fees for active duty individuals attending on-base and off-base accredited degree programs with a cost cap of \$250 per semester hour and annual total cap of \$4,500. TA is generally not authorized for a second master's degree or a doctorate. An individual must repay TA should he or she not complete the course or receive a failing grade. TA will cease if the member fails to maintain a 2.0 GPA for undergraduate work or 3.0 for graduate work. A member will incur the expense to raise his or her GPA to meet defined standards, specifically Department of Defense Instruction 1322.25 and Air Force Instruction 36-2306, paragraph 5.1.6 Interim Change 1 dated December 12, 2011.

The Reserve Educational Assistance Program (REAP)

The Reserve Educational Assistance Program (REAP) <http://www.benefits.va.gov/gibill/reap.asp> was established as a part of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005. It is a Department of Defense education benefit program designed to provide educational assistance to members of the Reserve components called or ordered to active duty in response to a war or national emergency (contingency operation) as declared by the President or Congress. It provides up to 36 months of education benefits to members of the Selected Reserves, Individual Ready Reserve (IRR) and National Guard. Individuals who separated from the Selected Reserve after completing their service contract under other than dishonorable conditions are now eligible for REAP benefits for 10 years following separation.

The monthly REAP payment is based on the amount of time an individual is mobilized. Prior to the National Defense Authorization Act for Fiscal Year 2008, the monthly benefit payment was determined as a percentage of the Chapter 30 three-year or more enlistment rate (\$1,178 as of October 1, 2011), specifically:

- If an individual serves 90 days but less than one year, he or she will receive 40 percent of the three-year rate;
- An individual with a service period of at least one year but less than two years of active duty will receive 60 percent of the three-year rate;
- An individual with more than two years on active duty will receive 80 percent of the three-year rate; and
- Beginning August 1, 2011, break (or interval pay) will no longer be payable under REAP except during periods when an individual's school is closed as a result of an Executive Order of the President or an emergency (such as a natural disaster or strike).

Once the National Defense Authorization Act for Fiscal Year 2008 was enacted, the 80 percent rate became available to anyone mobilized for at least two continuous years of active duty or anyone who served through multiple mobilizations totaling three or more years. All qualifying mobilization periods beginning on or after September 11, 2001, may be used to determine eligibility for the 80 percent rate. Payment of the higher rate was not authorized for service performed prior to January 28, 2008, the effective date of the law.

The amount the VA pays is based on the type of training program and training status (i.e., full time or half time). If attendance is less than a month or less than full-time, payments are reduced proportionately.

Effective October 1, 2008, members of the Air Force Reserve otherwise eligible for MGIB-SR or REAP may receive accelerated payments for a non-degree program lasting 2 years or less.

Eligible REAP beneficiaries may now participate in the "buy-up" program. Eligible reservists may pay up to \$600 to increase their monthly rate of pay by as much as \$150 per month. An individual must be a member of a Ready Reserve component (Selected Reserve, Individual Ready Reserve, or Inactive National Guard) to pay into the "buy-up" program. This increased benefit went into effect on January 28, 2008.

Under previous regulations, a reservist with a break in service of 90 days or less maintained his or her eligibility for REAP. The FY 2008 National Defense Authorization Act expanded that eligibility to any member with a break in service regardless of length, as long as he or she continues to serve in another component of the Ready Reserve during the break in service. Participants

may be eligible for REAP during a break in service. However, the Defense Department makes the eligibility determination. This provision of the law is retroactive to September 11, 2001.

TA benefits may be paid to members participating in the following programs:

- College or university degree programs;
- Vocational programs;
- On-the-job training and apprenticeship programs;
- Independent study or distance learning courses;
- Entrepreneurial programs; and
- Correspondence courses.

CHAPTER 10

MONEY MATTERS

PAY ISSUES

Air Force active duty pay issues are best handled by the Military Pay section of the member's Wing/Base Financial Services Office (FSO) in the Wing/Base Comptroller Squadron. Members should work with the Wing/Base Military Pay office (i.e., FSO) to resolve issues. When a pay issue is determined to be more complex, the FSO or the Military Personnel Flight (MPF) if the issue is personnel-related, can enter the issue into the Case Management System (CMS). Once submitted via CMS, the pay issue is electronically routed to the office that can best fix the problem.

Air National Guard and Reserve pay issues are best handled by the Military Pay section of the Wing/Base/Unit Reserve Payroll Office (RPO). Members should work with the Wing/Base/Unit Military Pay section (i.e., RPO) to resolve issues. When a pay issue becomes more complex, the Military Pay section or the Military Personnel Flight (MPF) if the issue is personnel-related, can enter the issue into the Case Management System (CMS). Once submitted via CMS, the pay issue is electronically routed to the office best equipped to fix the problem.

Active duty, National Guard and Reserve members may obtain more information or assistance concerning military pay issues by visiting the Defense Finance and Accounting Service's military pay website <http://www.dfas.mil/militarymembers.html> or by calling (888) 332-7411.

Civilian employees with pay issues should contact their Customer Service Representative located in the Wing/Base FSO or RPO or visit DFAS' civilian employee pay website <http://www.dfas.mil/civilianemployees.html>.

Air Force military retiree pay issues <http://www.dfas.mil/retiredmilitary.html> including those having to do with deaths, annuities, Voluntary Separation Incentive (VSI), myPay assistance and garnishment actions, should be referred to the DFAS Retired and Annuitant Pay Contact Center at (800) 321-1080, option 1, or (888) 332-7411 Monday through Friday 8 a.m. to 5 p.m. EST.

Mail and faxes concerning general retiree pay issues should be sent to:

Defense Finance and Accounting Service

U.S. Military Retired Pay

P.O. Box 7130

London, KY 40742-7130

Fax: (800) 469-6559

Annuitants, beneficiaries and survivors, as well as those claiming non-receipt of payment, should reference the DFAS Retired and Annuitant Pay office's "Need help?" webpage <http://www.dfas.mil/retiredmilitary/about/aboutus/customer-service.html> before mailing or faxing documents.

MILITARY COMMERCIAL DEBT AND CIVILIAN COMMERCIAL GARNISHMENT

The Air Force expects its members to pay their just financial obligations in a proper and timely manner. A just financial obligation is a legal obligation, acknowledged by the member, in which there is no reasonable dispute as to the facts or law, or one reduced to judgment. The judgment

must conform to the Servicemember's Civil Relief Act (Title 50, United States Code, Appendix 501), if applicable.

The Air Force does not arbitrate disputed cases, admit or deny validity of the complaint or confirm the liability of its members. The Air Force has no legal authority to require members to pay a financial obligation, nor can it divert any part of their pay for the satisfaction of financial obligations, even if reduced to final judgment by court order. Enforcement is a matter for civil authorities.

By enacting Public Law 103-94, the Hatch Act Reform Amendments of 1993 (codified at Section 5520a, Title 5, United States Code), Congress authorized involuntary allotments from the pay of active duty and reserve (on active duty for a period more than 180 days pursuant to Title 10) military members to satisfy commercial debts, as well as the garnishment of federal civilian employees' pay to satisfy commercial obligations.

As the paying agency for the Department of Defense (DoD), the Defense Finance and Accounting Service (DFAS) is responsible for collecting commercial debt from military members via involuntary allotments and for processing commercial garnishments against DoD civilian employees.

For more information concerning commercial debt collection from military members, visit DFAS' Military Commercial Debt webpage <http://www.dfas.mil/garnishment/milcommdebt/debtcollect.html>.] The DFAS site provides information on how to apply for an involuntary allotment, interest, the maximum involuntary allotment amount, DFAS' application review process, the process by which a military member may contest an involuntary allotment and the related laws and implementing regulations.

For more information concerning civilian commercial garnishment, visit DFAS' Civilian Commercial Garnishment webpage <http://www.dfas.mil/garnishment/civgarnishment/enforce.html>. The DFAS site outlines the information to include with garnishment requests and provides information on the time to process, challenges, payment amount and schedule, and the related laws and implementing regulations.

It should be noted that commercial obligations and garnishments do not include those for child support or alimony. Civilian employees are subject to garnishment for child support and alimony obligations under Sections 659, 661 and 662, Title 42, United States Code (USC).

Congressional inquiries concerning military commercial debt or civilian commercial garnishment may be directed to DFAS by phone at (866) 793-2256 or e-mail at cloincomingcases@dfas.mil. Public inquiries may be addressed by calling (888) 332-7411.

COMBAT ZONE TAX BENEFITS

Special tax benefits apply to service in combat zones (CZ) and qualified hazardous duty areas (QHDA), as well as to service in areas providing direct support of operations in CZs.

An enlisted person or warrant officer (including commissioned warrant officers) may exclude from gross income all military pay received for military service in a month during which he or she served any period of time in a CZ, QHDA or designated direct support area. For commissioned officers, the monthly income exclusion is limited to the highest enlisted pay amount, plus any hostile fire or imminent danger pay received. Amounts excluded from gross income are not subject to federal income tax.

Military pay received by enlisted personnel who are hospitalized as a result of wounds, injuries or illnesses sustained while serving in a CZ or QHDA is excluded from gross income for the period of hospitalization, subject to the two-year limitation. Commissioned officers have a similar exclusion, limited to the maximum enlisted pay amount per month. These exclusions from gross income during periods of hospitalization end two years after the date of termination of the CZ or QHDA.

Extensions of the deadlines for the filing of income tax returns, payment of taxes owed, and taking other tax actions also apply. For members who have served in a CZ, QHDA or a designated direct support area, the extension runs for 180 days after the last day the taxpayer is in such area (or the last day the area qualifies as such) or the last day of any continuous qualified hospitalization for wounds, illness, or injury sustained from service in the area. In addition to the 180 days, the deadline is also extended by the number of days remaining for the member to take action with the IRS at the time he or she entered the CZ, QHDA or designated direct support area.

The Military Family Tax Relief Act, signed into law in November 2003, extends to contingency operations designated by the Secretary of Defense the extensions of deadlines to file income tax returns, pay taxes owed, and take other tax actions already available to members assigned to, or in direct support of operations in CZs and QHDAs. Personnel serving in a designated contingency operation do not qualify for the exclusion of income.

State tax treatment of military pay earned in a combat zone varies from state-to-state, as do the rules pertaining to the extension of deadlines to file state income tax returns, paying state taxes owed, and take other tax actions at state level. A servicemember should contact the base tax program manager or base legal office for assistance in determining and abiding by the applicable rules for his or her state.

More information may be found at the Internal Revenue Service's Combat Zone Tax Provisions webpage <http://www.irs.gov/uac/Questions-&Answers-on-Combat-Zone-Tax-Provisions>.

AIR FORCE AID SOCIETY: EMERGENCY ASSISTANCE

The Air Force Aid Society <http://www.afas.org/EA> was incorporated in 1942 as a private, non-profit organization and is the official charity of the U.S. Air Force. The society's mission is to help relieve the financial distress of Air Force members and their families and to assist them in financing their higher education goals.

Inquiries should be directed to (703) 607-3064 or (800) 769-8951.

CHAPTER 11

MEDICAL AND HEALTHCARE MATTERS

COMPENSATION AND BENEFITS FOR WOUNDED, ILL AND INJURED SERVICEMEMBERS

Wounded, ill and injured servicemembers can find extensive and detailed information concerning compensation and benefits in the Department of Defense Compensation and Benefits Handbook <http://warriorcare.dodlive.mil/files/2011/11/Compensation-and-Benefits-Handbook-May-2014.pdf>.

The handbook was designed to answer servicemembers' questions in the order in which they are most likely to arise. It is intended as a quick reference for both the member and their loved ones during rehabilitation and reintegration. The handbook will answer most of the immediate questions and will link users to the right resource sites to answer the rest of their questions.

DISABILITY EVALUATION

Servicemembers can incur a wound, illness or injury at any time, whether serving in combat operations, during training evolutions, any other time on the job or even after hours. With the aid of medical care and adequate time to heal, many servicemembers can recover and return to full and unrestricted duty. Unfortunately, some servicemembers may suffer a long-lasting or permanent change from a wound, illness or injury, and this may affect their ability to perform their military duties and continue their military career. In such cases, it is appropriate for them to be referred to the Integrated Disability Evaluation System (IDES) <http://www.realwarriors.net/active/disability/disability.php> in order to determine their fitness for continued military service.

When a military medical care provider refers an Airman to the IDES, the Airman is assigned a Physical Evaluation Board Liaison Officer (PEBLO) as a guide to help navigate the system and make sure he or she is aware of his or her options and the many decisions that must be made. Additionally, they are assigned a Department of Veterans Affairs (VA) Military Service Coordinator to assist in filing a VA benefits claim. Both the PEBLO and the MSC are non-clinical case management specialists who are trained and available to provide assistance and information to the Airman and their family and/or representative.

There are five potential steps in the IDES process <http://www.realwarriors.net/active/disability/disability.php>:

- ❑ Review by a Medical Evaluation Board (MEB), which reviews an Airman's record to determine if he or she meets medical retention standards;
- ❑ Review by the Informal PEB (IPEB) (if the MEB determines that an Airman's return to duty is questionable), which determines an Airman's disposition—return to duty, separation, or retirement, either permanent or temporary;
- ❑ Review by the Formal PEB (FPEB), (only if an Airman disagrees with the IPEB findings and requests a formal hearing of his or her case);
- ❑ Submission of a rebuttal by an Airman (if he or she disagrees with the FPEB findings) for review by the Secretary of the Air Force Personnel Council (SAFPC); and
- ❑ Final disposition determination by the Office of the Secretary of the Air Force.

The findings of the PEB are recommendations to the Office of the Secretary of the Air Force. These findings are not final and are subject to further review and possible revision by the SAFPC. SAFPC may disagree with the recommended findings of a PEB and revise those findings when, based on accepted medical principles, such disagreement is appropriate.

The servicemember will begin receiving any VA benefits determined by the IDES process as soon as allowed by law.

Specific questions about the IDES should be directed to an Airman's assigned PEBLO or MCS.

MEDICAL RECORDS

Medical and health records <http://www.archives.gov/veterans/military-service-records/medical-records.html> for all Airmen discharged, retired or separated from active duty before May 1, 1994, and from the Air Force Reserve or Air National Guard before June 1, 1994, are stored permanently at the National Personnel Records Center (NPRC). Veterans' medical and dental records may be requested online, by mail or by fax per the guidance outlined at NPRC's website <http://www.archives.gov/veterans/military-service-records/>.

After the dates listed above, the Department of Veterans Affairs (VA) Records Management Center <http://www.archives.gov/veterans/military-service-records/locations/index.html#air-force>, in St. Louis, MO, became responsible for maintaining active duty health records and managing their whereabouts when on loan within the VA. To identify the current location of specific health records and to find out how to obtain releasable documents or information, individuals may call (888) 533-4558.

TRICARE

TRICARE <http://www.tricare.mil/> is the healthcare program for almost 9.5 million beneficiaries worldwide—including active duty servicemembers, National Guard and Reserve members, retirees, their families, survivors, certain former spouses and others registered in the Defense Enrollment Eligibility Reporting System (DEERS).

TRICARE offers several different health plans <http://www.tricare.mil/Plans/HealthPlans.aspx>, all of which meet the requirements for minimum essential coverage under the Affordable Care Act. Plan availability depends on an individual or sponsor's eligibility and where he or she lives.

Congressional inquiries regarding TRICARE should be directed to:

Defense Health Agency <http://tricare.mil/tma/>

7700 Arlington Blvd., Ste. 5701

Falls Church, VA 22042

Office: (703) 681-5990

Fax: (703) 681-0628

E-mail: (new workflow address TBD in early 2015)

DENTAL CARE

While active duty Airmen receive dental care through the uniformed services, dental care coverage is available to active duty family members, National Guard and Reserve members and their family members, and retired servicemembers and their family members, as well as survivors, through

the voluntary TRICARE Dental Program <http://www.tricare.mil/CoveredServices/Dental/TDP.aspx> and/or the TRICARE Retiree Dental Program <http://www.tricare.mil/CoveredServices/Dental/TRDP.aspx>.

Congressional inquiries regarding TRICARE dental care should be directed to:

Defense Health Agency

7700 Arlington Blvd., Ste. 5701

Falls Church, VA 22042

Office: (703) 681-5990

Fax: (703) 681-0628

E-mail: (new workflow address TBD in early 2015)

IMMUNIZATIONS

The Defense Health Agency's Immunization Healthcare Branch (IHB) <http://www.vaccines.mil/> serves as the office of primary responsibility for information related to DoD vaccination programs, including information on diseases and their related vaccines; vaccine science; guidelines from the Advisory Committee on Immunization Practices; an immunization clinic finder; service messages and policies; related forms and guidance on reporting health problems that may be related to a vaccine through the Vaccine Adverse Events Reporting System.

Public inquiries may be addressed to the IHB by phone at (877) GET-VACC [438-8222] or by e-mail at DoDVaccines@mail.mil.

Congressional inquiries regarding DoD vaccination programs should be directed to:

Defense Health Agency

7700 Arlington Blvd., Ste. 5701

Falls Church, VA 22042

Office: (703) 681-5990

Fax: (703) 681-0628

E-mail: (new workflow address TBD in early 2015)

GULF WAR VETERANS

A number of servicemembers who served in the Persian Gulf War suffer from health conditions that are medically unexplained. For this reason, the Department of Veterans Affairs (VA) was designated the lead agency for all federally funded research into the health effects of the Gulf War.

The VA's webpage for Gulf War Veterans' Illnesses <http://www.publichealth.va.gov/exposures/gulfwar/index.asp> provides information on the free Gulf War Registry health examination for eligible veterans; the medically unexplained illnesses related to military service in the Southwest Asia theater of operations from August 2, 1990, to present; a benefits overview for Gulf War veterans, as well as their dependents and survivors, as concerns healthcare, disability compensation and survivors' benefits; as well as information on various Gulf War exposures and Gulf War-related research studies.

Additionally, the Defense Department's GulfLINK <http://www.gulflink.osd.mil/> provides servicemembers, veterans and any interested person with information on what happened during the Gulf War that might have affected the health of those who served.

POST-TRAUMATIC STRESS DISORDER AND AGENT ORANGE EXPOSURE CLAIMS

The Secretary of the Army is assigned responsibility as the Defense Department's Executive Agent to conduct military records research in support of veterans' inquiries related to disability claims concerning Post Traumatic Stress Disorder (PTSD) and Agent Orange exposure.

The Joint Services Records Research Center (JSRRC) <https://www.rmda.army.mil/jsrrc/RMDA-JSRRC-Division.html> carries out this task and is responsible for researching military unit records in support of veterans' claims as submitted to the Department of Veterans Affairs (VA) specifically concerning PTSD and other health-related disabilities, such as those related to Agent Orange exposure.

It should be noted that the JSRRC conducts claims research at the request of the VA for Army, Air Force, Navy, Marine Corps and Coast Guard veterans when unit record research is deemed necessary.

Questions should be directed to:

Joint Services Records Research Center

7701 Telegraph Road, Rm. 2C08

Alexandria, VA 22315-3905

Phone: (703) 428-6801

Fax: (703) 428-6743

HUMAN IMMUNODEFICIENCY VIRUS (HIV)

Department of the Air Force medical, manpower and personnel policies related to HIV reflect current knowledge of the natural history of HIV infection, the risks to the infected individual incident to military service, the risk of transmission of the disease to non-infected personnel, the effect of infected personnel on Air Force units and the safety of military blood supplies. To this end, the numerous policies exist:

- HIV positive applicants are not eligible for entry into Air Force service.
- Medical personnel normally test applicants for active and reserve enlisted service at Military Entrance Processing Stations (MEPS).
- Officer candidates (either regular or reserve) are tested during the preliminary physical examination.
- HIV is prevented through education and training on sexually transmitted diseases (STDs) that is tailored to the recipient in such contexts as Preventive Health Assessments (PHAs), pertinent clinical encounters and threat briefings (i.e., pre/during/post-deployment).
- A health surveillance program exists for active duty and reserve component members to determine if HIV infection is present. The Air Force conducts biennial HIV tests on all active duty members. Reserve component members are required to be tested within 2 years of the date called to active duty for 30 days or more. The Air Force conducts HIV tests on family members of military personnel on a voluntary basis.
- Active duty members who are HIV positive, but who demonstrate no evidence of immunologic deficiency, neurologic involvement or decreased capacity to respond to infection and with no clinical indication of disease associated with HIV are retained in the Air Force.

- ❑ HIV positive active duty members who demonstrate evidence of such conditions, including personnel diagnosed with Acquired Immune Deficiency Syndrome and AIDS Related Complex, are processed through the Disability Evaluation System.
- ❑ Air Reserve Component (ARC) members with laboratory evidence of HIV infection are ineligible for extended active duty for a period of more than 30 days. ARC members who are not on extended active Guard and Reserve tours, and who show serologic evidence of HIV infection, may be transferred involuntarily to the Standby Reserve only if they cannot be utilized in the Selected Reserve in a non-mobility position.
- ❑ A member who is HIV positive on active duty may request voluntary separation.
- ❑ The Air Force may not use information obtained from a servicemember during an epidemiologic assessment interview against the servicemember in a court-martial, line of duty determination, nonjudicial punishment, involuntary separation (other than medical), administrative or disciplinary reduction in grade, denial of promotion, unfavorable entry in a personnel record, bar to reenlistment or any other action considered by the Secretary of the Air Force to be an adverse personnel action.

Congressional inquiries concerning the service's management of HIV should be directed to:

Defense Health Agency

7700 Arlington Blvd., Ste. 5701

Falls Church, VA 22042

Office: (703) 681-5990

Fax: (703) 681-0628

E-mail: (new workflow address TBD in early 2015)

CHAPTER 12

LEGAL MATTERS

MILITARY JUSTICE

Uniform Code of Military Justice

The Uniform Code of Military Justice (UCMJ) <http://www.au.af.mil/au/awc/awcgate/ucmj.htm> is located in Sections 801 through 946, Title 10, United States Code (U.S.C.). Congress enacted the UCMJ in 1950 as a major revision of then-existing military criminal law. Congress has amended the UCMJ on a number of occasions since then, with significant changes occurring in 1968, 1983 and 2013. The President implements the UCMJ through Executive Orders pursuant to his authority under Article 36, UCMJ (Section 836, Title 10, U.S.C.). Those Executive Orders form a comprehensive volume of law known as the Manual for Courts-Martial (MCM) <http://www.apd.army.mil/pdffiles/mcm.pdf>.

The Preamble to the MCM explains that the purpose of military law “is to promote justice, to assist in maintaining good order and discipline in the armed forces, to promote efficiency and effectiveness in the military establishment, and thereby to strengthen the national security of the United States.” In the opinion of many legal scholars, the UCMJ has not only kept pace with innovations in civilian criminal jurisprudence, but has actually led the way in establishing more procedural safeguards to protect the rights of those accused of criminal offenses. For instance, the military had its own, broader version of the “Miranda rights” fifteen years before the U.S. Supreme Court recognized that right for civilian suspects. In addition, an accused facing the potential of a general court-martial (the most serious level of courts-martial) has far greater rights during a pretrial Article 32 investigation than does a civilian suspect before a grand jury.

Defense Counsel

Area Defense Counsel (ADC) represent all Air Force members facing adverse administrative action, nonjudicial punishment under Article 15 of the UCMJ, or a court-martial. ADCs are provided at no cost to the member and are fully qualified attorneys whose duty is to represent their clients’ legal interests. The Air Force promotes zealous advocacy of an accused’s rights.

ADCs are part of an independent judiciary outside the chain of command of accusers, convening authorities and their respective staff judge advocates (SJA). The performance rating system for ADCs is within this independent judiciary. Moreover, to ensure independence, defense counsel have their own office facilities and logistical support.

Servicemembers may also retain civilian defense counsel, at their own expense, to represent them during any adverse action.

Special Victim Investigation and Prosecution Capability

The Air Force established the Special Victim Investigation and Prosecution Capability (SVIP) in accordance with the Fiscal Year 2013 National Defense Authorization Act, Section 573. The SVIP applies to the following three types of cases: all unrestricted reports of adult sexual assault; all unrestricted reports of domestic violence involving sexual assault and/or aggravated assault with grievous bodily harm; and child abuse involving sexual assault and/or aggravated sexual assault with grievous bodily harm.

The SVIP is comprised of specially trained prosecutors, paralegals and victim witness assistance personnel who work collaboratively with specially trained Air Force Office of Special Investigations (OSI) agents to ensure effective, timely and responsive worldwide victim support, and the capability to investigate sexual assault offenses in order to hold perpetrators appropriately accountable. SVIP personnel also collaborate with Sexual Assault Response Coordinators, sexual assault prevention and response victim advocates, family advocacy program managers and domestic abuse victim advocates during all stages of the investigative and military justice process to ensure an integrated capability, to the greatest extent possible.

All Air Force judge advocates receive significant trial advocacy training and preparatory moot court experience during the Judge Advocate Staff Officer Course, the initial training course required to become a judge advocate. After completing this course, specially trained judge advocates receive additional sexual assault-focused training. Selected judge advocates are designated as senior trial counsel.

Senior trial counsel specialize in prosecuting complex cases and assist local counsel with reviewing evidence and drafting charges, consulting with investigators and by serving as lead counsel in court. There are currently 17 senior trial counsel postured around the world to provide expert litigation support. Of these 17 senior trial counsel, a team of seven is part of the Special Victims Unit Senior Trial Counsel, specializing in the prosecution of particularly complex cases such as sexual assaults, crimes against children and homicides. This pinnacle team has the highest level of advanced training in prosecuting sexual assaults and other complex cases.

Nonjudicial Punishment (Article 15)

The UCMJ permits commanders to take disciplinary action for minor offenses via nonjudicial punishment under Article 15 (Section 815, Title 10, U.S.C.). Part V of the MCM and Air Force Instruction 51-202, *Nonjudicial Punishment*, supplement Article 15. This option permits commanders to dispose of minor offenses without trial by court-martial unless the servicemember objects.

Commanders must first notify members of the nature of the charged offense, the evidence supporting the offense, and the commander's intent to impose nonjudicial punishment. The servicemember has a minimum of three duty days to consult with an ADC to determine whether to accept nonjudicial punishment proceedings or demand trial by court-martial. Accepting nonjudicial punishment proceedings is simply a choice of forum; it is not an admission of guilt.

A member accepting nonjudicial punishment proceedings may have a hearing with the commander. The member may have a spokesperson at the hearing, may request witnesses appear and testify, and may present evidence. The commander must consider any information offered during that hearing and must find by reliable evidence that the member committed the offense before imposing punishment. Members who wish to contest their commander's determination or the severity of the punishment imposed may appeal to the next higher commander. The appeal authority may set aside the punishment, decrease its severity or deny the appeal.

Nonjudicial punishment does not constitute a criminal conviction. Article 15 and its implementing regulations authorize various punishments, with the most serious being reduction in rank (for enlisted personnel), forfeiture of pay, and extra duties. There are maximum limits for each category of punishment base on the rank of the servicemember and the rank of the commander imposing nonjudicial punishment.

Courts-Martial

There are three types of courts-martial: summary, special and general. Trial by summary court-martial provides a simple procedure for resolution of charges involving minor incidents of misconduct. The summary court-martial consists of one individual, typically a judge advocate. The accused must consent to trial by summary court-martial before the court can commence and the maximum punishment a summary court-martial may impose is considerably less than a special or general court-martial. A summary court-martial may not impose a sentence of a punitive discharge.

A special court-martial is the intermediate level of courts. A special court-martial may sentence the individual to no more than one year of confinement (or less time if the offense has a lower maximum), forfeiture of two-thirds pay per month for no more than one year, a bad conduct discharge (for enlisted personnel), and certain lesser punishments.

In a general court-martial, the maximum punishment is that set for each offense under the UCMJ and may include death (for certain offenses), confinement, a dishonorable or bad conduct discharge for enlisted personnel, a dismissal for officers, forfeitures, reduction in rank (for enlisted personnel) or a number of other punishments. Before a case goes to a general court-martial, an investigating officer appointed by the special court-martial convening authority must conduct a pretrial investigation under Article 32.

The Appeal Process

There are procedures for post-trial review in every case, although the extent of those appellate rights depends upon the punishment imposed by the court and approved by the convening authority.

The court-martial convening authority acts with respect to the findings and the sentence after a completed trial. The convening authority's action may not increase any sentence or change a finding of not guilty to one of guilty. The convening authority may, based on the matters submitted or on other grounds, reduce the sentence, disapprove the entire sentence, or disapprove any or all of the findings of guilty.

Review by the Office of The Judge Advocate General

The Judge Advocate General of the Air Force is statutorily required to review each general court-martial in which the sentence, as approved, does not include a punitive discharge or confinement of a year or more. The Judge Advocate General has the authority to modify or set aside the findings or sentence or both if any part of the findings or sentence is found to be unsupported in law or if reassessment of the sentence is appropriate. The Judge Advocate General may also certify a case to the Air Force Court of Criminal Appeals.

The Judge Advocate General also must review any special court-martial conviction, upon application of the accused, if the sentence, as approved, does not include a punitive discharge or confinement for one year. Relief is granted on the grounds of newly discovered evidence; fraud on the court; lack of jurisdiction over the accused or the offense; or error prejudicial to the substantial rights of the accused. The application must be filed within two years of completion of the post-trial review process. The Judge Advocate General may also certify a case to the Air Force Court of Criminal Appeals.

Air Force Court of Criminal Appeals

The Air Force Court of Criminal Appeals <http://afcca.law.af.mil/content/index.php.html> is an appellate court that reviews convictions adjudged by general and special courts-martial. The

Court is statutorily required to review each case in which the court-martial sentence, as approved, extends to death, a punitive discharge or confinement for one year or longer. Except for an approved sentence including the death penalty, a defendant or accused may waive appellate consideration of his or her case. In addition to the situations outlined above, the Judge Advocate General may refer other court-martial cases to the Court.

The Air Force Court of Criminal Appeals may act only with respect to the findings and sentence as approved by the convening authority. It can correct any legal error it may find, and it can reduce a sentence. The Court also has the power to take other actions (e.g., to order a new review and action by the same or a different convening authority) or to order a rehearing.

The Air Force Court of Criminal Appeals is composed of several panels of judges. Normally the Court has at least three panels with each panel having three appellate military judges. The Judge Advocate General assigns the judges to the Court. One of the panels reviews each court-martial case. In some situations, the entire Court will consider a case or reconsider a decision of a panel.

Assignment of Counsel

The Air Force assigns each accused Airman an Air Force appellate defense counsel to represent him or her at no cost. This counsel is an experienced lawyer of the Appellate Defense Division. Counsel will contact accused Airmen, determine their desires, and keep them informed of the course of the case. In addition, accused Airmen may retain civilian counsel at their own expense. If the accused hires civilian counsel, the military counsel will act as associate counsel if the accused so desires. A military lawyer from the Government Trial and Appellate Counsel Division represents the government.

Counsel for both sides present their arguments to the Court in writing. The Court may also grant oral argument. With limited exceptions, the Court does not permit new evidence at these hearings and considers the case based on the trial record.

The length of time a case is before the Court will depend largely on the length of the record and the complexity of the issues. Counsel for the defense has 30 days to present its position, and counsel for the government has 30 days to respond. The Court frequently extends these periods. The Court prepares its decision only after the presentations and arguments of counsel are finished. The Court decides many cases within 90 days of completion of briefing and argument, but unusual factors may require a considerably longer period. If the initial decision of the Court requires further action by the convening authority, the Court will not reach a final decision until such action is complete.

Court Decisions

The director of the Air Force Judiciary or the staff judge advocate of the commander exercising general court-martial jurisdiction notifies the accused of the decision of the Court. If an accused is not satisfied with the decision of the Air Force Court of Criminal Appeals, he or she can petition the United States Court of Appeals for the Armed Forces (CAAF) <http://www.armfor.uscourts.gov/newcaaf/home.htm> for further review. The CAAF consists of five civilian judges and can correct any legal error it may find. If a member petitions the CAAF, Air Force appellate defense counsel will represent him or her at no charge. The accused may also retain civilian counsel at his or her own expense.

Decisions of the CAAF are subject to review by the United States Supreme Court by writ of certiorari.

Clemency and Parole

The Secretary of the Air Force established a system of clemency and parole under Sections 952 and 953, Title 10, U.S.C., to consider the clemency requests of inmates with sentences to confinement of a year or more. These inmates first meet a disposition board convened at their confinement facility. The disposition board makes recommendations concerning parole, when eligible.

An inmate is generally eligible after serving one-third of a sentence or six months, whichever is greater. The disposition board also makes recommendations on clemency (reduction in sentence to confinement) and restoration to duty. The complete case files then go forward to the Air Force Clemency and Parole Board, which is located at Andrews Air Force Base, Maryland, for review and action. After the initial review, cases undergo periodic review, depending on the length of the sentence, or as directed by the commander of the confinement facility or the Air Force Clemency and Parole Board.

Drug Use or Possession

An Air Force member may voluntarily disclose evidence of personal drug use or possession to the unit commander, first sergeant, substance abuse evaluator or a military medical professional. Commanders are required to grant limited protection for Air Force members who reveal this information with the intention of entering treatment. Commanders may not use voluntary disclosure against a member in an action under the UCMJ or when weighing characterization of service in a separation. Self-referral provides limited protection in instances of drug abuse, but does not prevent the Air Force from separating the individual under an administrative discharge.

Disclosure is not voluntary if the Air Force member has previously been apprehended for drug involvement, placed under investigation for drug abuse, ordered to give a urine sample as part of the drug-testing program, advised of a recommendation for administrative separation for drug abuse, or entered into treatment for drug abuse.

Once the Air Force recognizes a member as a drug user and identifies him or her for separation, the Air Force provides the individual with transitional counseling and refers him or her to the Department of Veterans Affairs for further evaluation and treatment.

Victim Witness Assistance Program and Transitional Compensation

The purpose of the Air Force Victim Witness Assistance Program (VWAP) is to mitigate the physical, psychological and financial hardships suffered by victims and witnesses of offenses investigated by Air Force authorities; to foster cooperation of victims and witnesses within the military criminal justice system; and to ensure best efforts are made to accord victims of crime certain enumerated rights. The program was established to meet the requirements of the Victims' Rights and Restitution Act of 1990.

Each Air Force installation commander appoints a victim liaison to assist a victim during the military justice process. The liaison is responsible for connecting victims and service agencies, and for arranging for services, when appropriate.

Transitional Compensation is authorized for certain victims of crime in accordance with Section 1059, Title 10, U.S.C.; Department of Defense Instruction 1342.24; and Air Force Instruction 36-3024, *Transitional Compensation for Abused Dependents*. The purpose of transitional compensation is to provide monthly compensation payments and other benefits to dependents of members who are separated from military service because of abuse committed against a current spouse or dependent child.

Payment is authorized, generally, when an Air Force member is convicted by court-martial for a crime of dependent abuse and when the sentence includes a punitive discharge or forfeiture of all pay and allowances. Payment may also be authorized if the member is administratively separated when the basis for separation includes a dependent abuse offense. Eligible and approved applicants will receive up to 36 months of benefits, to include exchange and commissary privileges, and medical or dental care for treatment of problems as determined by the service secretary.

Subtitle A, Part III, Chapter 53, Section 1059(m), Title 10, U.S.C., allows for exceptional eligibility for transitional compensation for abused dependents. Under this provision, the service secretary may authorize transitional compensation for an abused dependent and former dependents of a former member of the armed forces in cases in which such dependents are not otherwise eligible for benefits. This may happen in instances where the secretary determines that the former member engaged in conduct that is a dependent-abuse offense, even if the basis for discharge or court-martial was not the abuse. However, to be eligible for this exceptional transitional compensation, there must be evidence in the record that the former member engaged in a dependent-abuse offense during the member's term of service, but was not court-martialed or separated on that basis.

Whether the abused dependent receives transitional compensation under the traditional or exceptional means, the member still must be discharged or court-martialed for the dependent to be eligible to receive the benefits. A member's court-martial conviction is considered to be final when the convening authority takes action on the case. Eligible and approved applicants will receive 36 months of benefits, to include exchange and commissary privileges, and medical or dental care for treatment of problems as determined by the service secretary. The compensation is based on the unserved portion of the Air Force member's current enlistment, but will not be more than 36 months or less than 12 months.

To receive transitional compensation under the exceptional eligibility criteria established by law, the applicant must petition the service secretary.

Reporting Policy for Sexual Assault and Incidents of Domestic Abuse

It is Department of Defense policy to eliminate sexual assault within the department by fostering a culture of prevention; education and training; response capability; victim support; reporting procedures; and accountability that enhances the safety and well-being of all its members. It is also DoD policy to prevent domestic abuse through public awareness, education and family support programs; to promote early identification, intervention and assessment; and to provide appropriate resources to victims of domestic abuse. To facilitate these goals, adult victims of sexual assault and domestic abuse incidents have two reporting options: unrestricted reporting and restricted reporting.

Unrestricted Reporting: Victims of sexual assault and domestic abuse who want to pursue an official investigation of an incident can report the incident to their chain of command, Family Advocacy Program (FAP) or law enforcement. Upon notification of a reported domestic abuse incident, victim advocacy services and FAP clinical services will be offered to the victim. Additionally, at the victim's discretion/request, the healthcare provider may conduct a forensic medical examination as deemed appropriate. Details regarding the incident are limited to only those personnel who have a legitimate need to know.

Restricted Reporting: Restricted reporting allows an adult victim of domestic abuse, who is eligible to receive military medical treatment, the option of reporting an incident of domestic abuse to the base victim advocate or a healthcare provider without initiating the investigative process. Servicemembers or adult dependents who are sexually assaulted have the option of

making a restricted report to the sexual assault response coordinator, sexual assault victim advocate or a healthcare provider without triggering the official investigative process. Before electing the restricted report option, the servicemember or adult dependent who was sexually assaulted may consult with a Special Victims' Counsel (SVC) to receive advice on what type of report, if any, may be filed. If the domestic abuse or sexual assault victim elects restricted reporting, the victim advocate, sexual assault response coordinator and/or healthcare provider may not disclose covered communications to either the victim's or offender's commander or to law enforcement either within or outside the Department of Defense, and an investigation will not be triggered.

Restricted reporting is intended to give adult victims additional time, while benefiting from receiving relevant information and support, to make more informed decisions about reporting the sexual assault or domestic abuse incident to the appropriate commanders and possibly participating in a criminal investigation. Restricted reporting also allows the victim to receive medical treatment, victim advocacy services and/or counseling as applicable.

CIVIL LEGAL ISSUES

Air Force Legal Assistance Program

The Air Force Legal Assistance Program <https://aflegalassistance.law.af.mil/lass/lass.html> makes attorneys available to Airmen to provide legal assistance in connection with personal civil legal matters; the purpose of the program is to support and sustain command effectiveness and readiness. Although legal assistance is not separately funded, it has been provided for members of the armed forces since 1943 and is now perceived as one of the benefits of military service.

Subject to the availability of legal staff resources and expertise, the categories of personnel listed below are eligible for legal assistance. Eligible beneficiaries, defined by Section 1044, Title 10, U.S.C., include:

1. Active duty personnel (including Reserve and National Guard members on federal active duty);
2. Retirees from the armed services receiving retired, retainer or equivalent pay including former members of reserve components entitled to retired pay;
3. Officers of the commissioned corps of the Public Health Service who are on active duty or entitled to retired or equivalent pay;
4. Family members of those listed in categories 1 through 3 above who are entitled to a military identification card;
5. Reservists following release from active duty under a call or order to active duty for more than 30 days issued under mobilization authority (as determined by the Secretary of Defense) for a period of time equal to twice the length of the period served on active duty under that call or order to active duty, as well as their family members who are entitled to a military identification card;
6. Survivors of a deceased member or former member as described in each of these categories who were dependents of the member or former member at the time of death;
7. Air Reserve Component members performing Active Guard/Reserve (AGR) tours, including those under Sections 10211 and 12310, Title 10, U.S.C., or Section 502(f), Title 32, U.S.C.;

8. Civilian employees of the federal government serving in locations where legal assistance from non-military legal assistance providers is not reasonably available (limited to the preparation and execution of wills and powers of attorney in accordance with DoD Instruction 1400.32, *DoD Civilian Work Force Contingency and Emergency Planning Guidelines and Procedures*).

Military legal assistance establishes an attorney-client relationship. The scope of service covers advice and assistance on a wide range of personal civil legal matters but not representation before a court or administrative body, unless acting as a Special Victims' Counsel or Disability Counsel with the Office of Airmen's Counsel. Common areas of assistance include preparation and execution of wills, living wills, advance medical directives, powers of attorney; domestic relations; landlord-tenant issues; Servicemembers Civil Relief Act (SCRA); veterans' reemployment rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA); consumer affairs; immigration and naturalization services; and tax issues.

Special Victims' Counsel Program

On January 28, 2013, the Air Force established the federal government's first, large-scale Special Victims' Counsel (SVC) Program as a pilot program for the Department of Defense; the program aims to provide independent judge advocates to represent sexual assault victims eligible for legal assistance under Sections 1044 and 1565b, Title 10, USC. The Air Force Judge Advocate General directed the creation of the Special Victims' Counsel Program to provide legal assistance to adult victims of sexual assault; to help them better understand the investigative and legal processes; and to ensure their rights are protected and their voices are heard.

Representation of all eligible sexual assault victims by special victims' counsel (SVC) was codified by the Fiscal Year 2014 National Defense Authorization Act under Section 1044e, Title 10, U.S.C. Under the provisions, beginning June 24, 2014, the Special Victims' Counsel Program also began representing child victims of sexual assault and victims of stalking who are eligible to receive military legal assistance.

SVCs are available to those who are eligible for legal assistance as outlined above. In order for a victim to receive SVC representation, the victim must request representation by a SVC either through a helping individual, program or office such as the sexual assault response coordinator, the Victim Witness Assistance Program, or the Office of Special Investigations or by contacting the SVC offices directly. After the request is submitted and a determination of eligibility has been made, an SVC will enter into an attorney-client relationship with the victim. The victim, not the Air Force, is the client to whom all of the SVC's ethical obligations are owed.

The goals of the SVC Program are to provide support through independent representation; to build and sustain victim resiliency; and to empower victims and increase the level of legal assistance provided to victims. SVCs accomplish these goals by developing victims' understanding of the investigative and military justice processes; by providing advocacy to protect the rights of victims during the military justice process; by removing barriers to victims' participation in the military justice process; and by assisting them in obtaining services and resources after the commission of the crime.

Servicemembers Civil Relief Act (SCRA)

The Servicemembers Civil Relief Act (SCRA) <https://www.dmdc.osd.mil/appj/scra/scraHome.do> provides a wide range of protections for individuals entering military service, called to active duty in the military, or deployed (and in some cases their family members). It is intended to postpone or suspend certain civil obligations to enable servicemembers to devote full attention

to their military duties and to relieve stress on the family members of those deployed. The SCRA is applicable to civil matters, not criminal matters.

Among the most commonly invoked provisions of the SCRA is the prohibition against eviction without a court order of a servicemember and his or her dependents from rented housing when the rent does not exceed the statutory cap, as adjusted annually. Additionally, the SCRA requires that courts stay civil proceedings for at least 90 days upon a proper showing of military service that materially affects a member's ability to participate in the case, with the court retaining the discretion to grant additional stays if necessary. A default judgment against a servicemember protected by the SCRA is voidable, provided the member was materially affected by reason of military service in defending against the action and had a meritorious defense to the action or some portion of it.

The SCRA clarifies that interest in excess of six percent on pre-service debts is forgiven, not deferred. The Act also allows the termination of automobile leases by servicemembers who are called to active duty for 180 days or more or to deploy with a military unit for 180 days or more, or who receive permanent change of station (PCS) orders to locations outside of the continental United States. It also allows the unilateral termination of residential leases by active duty servicemembers if they receive PCS or deployment orders for 90 days or more. Additionally, the SCRA prohibits states from using a nonresident servicemember's military income in determining the tax rate to be assessed against that member's non-military income or the income of the member's spouse.

A servicemember should consult a legal assistance attorney at the base legal office or his or her civilian attorney, if one has been retained, for more specific advice and assistance regarding the protections provided by the SCRA and the means to take advantage of them.

Uniformed Services Employment and Reemployment Rights Act (USERRA)

The Uniformed Services Employment and Reemployment Rights Act (USERRA) <http://www.dol.gov/vets/programs/userra/>, Section 4301 et seq., Title 38, U.S.C., affords persons who enter or are called to active service in the armed forces the right to go back to a civilian job they held prior to military service. To qualify for the protection provided by the USERRA, a member must have held the civilian job prior to going on active duty; must give notice of the active duty commitment prior to leaving the civilian position (unless notice is impossible or unreasonable); must be gone from the civilian position for a total time of less than five years; must obtain an honorable or general discharge from the service; and must return to the civilian position within a reasonable period of time upon completion of the service commitment.

The USERRA defines the periods of time that are considered "reasonable" based on the number of days in the active duty commitment. For absences up to 30 days, the servicemember must return to work at their first shift following safe travel time plus eight hours for rest. For absences of 31 to 180 days, the servicemember must return to work no later than 14 days after completing the period of service. For absences of 181 days or longer, the servicemember must return to work no later than 90 days after completing service.

Upon returning to a civilian employer after performing active duty, the USERRA provides that status, seniority and most pension rights be reinstated as if the employee had never left. The employer must make "reasonable efforts" to train the returning servicemember on new equipment and techniques. A service-connected disability must be accommodated. The USERRA also requires the employer to reinstate health benefits and protect the member from being fired other than for cause for a period of time varying with the length of the active duty service.

A servicemember should consult a legal assistance attorney at the base legal office or his or her civilian attorney, if one has been retained, for more specific advice and assistance regarding the protections afforded by and the responsibilities created under the USERRA.

Serving Legal Notice for Divorce Overseas

There are no federal statutes allowing Air Force officials to accept legal notice, also referred to as process, on behalf of Airmen or to serve process on Airmen. Consistent with the Posse Comitatus Act (Section 1385, Title 18, U.S.C.), which prohibits the unauthorized use of federal troops to execute the domestic laws of the United States, performing service of process is neither a function nor a responsibility of the military establishment or its personnel in their official capacity. Therefore, the law precludes Air Force personnel from effecting such service.

Although the Air Force may not serve civil process, Air Force policy specifically requires cooperation towards facilitation of service of process. Such cooperation entails allowing the civilian serving official (typically a local law enforcement official or private process server) access to the installation and making the member available to receive process. However, the Air Force does not have authority to order a member to accept the service of process.

In the event the servicemember elects not to accept service of process, the spouse should be able to effect service through other means. Like all U.S. citizens abroad, the most common way to serve process overseas is through the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters, hereinafter referred to as the "Hague Convention." It is in force in Japan and most NATO countries, as well as other countries.

The Hague Convention provides for service of process by a central authority (the Department of Justice in the United States) pursuant to a formal request. The USM-94, *Request for Service Abroad for Judicial or Extrajudicial documents* <http://www.usmarshals.gov/forms/usm94.pdf>, the form for making such a request, is available both online and at the office of any United States Marshal. The text of the treaty, which is self-explanatory, as well as other practical information about the treaty (to include a list of central authorities, table of contracting states, translations and case law) is available on the Hague Conference on International Law website http://www.hcch.net/index_en.php?act=conventions.text&cid=17. Attorneys assisting military family members in effecting service of process overseas should find this website a helpful reference for understanding the Hague Convention.

CHAPTER 13

FAMILY MATTERS

BIRTH CERTIFICATES

Overseas Births

The Air Force does not provide birth certificates for children born to American parents outside the United States. When local law in overseas areas requires birth registration, Air Force medical facilities report births to local authorities on the forms that they prescribe. Medical personnel file these reports in addition to the reports required by U.S. consular offices. For more information concerning the birth of U.S. citizens abroad, visit the State Department's website for the Bureau of Consular Affairs <http://travel.state.gov/content/passports/english/abroad/events-and-records/birth.html>.

Domestic Births

The Air Force does not provide birth certificates. That function belongs to the states in which Air Force bases exist. To obtain copies of birth certificates for children born at Air Force bases in the United States, contact the Department of Health for the state in which the child was born.

EMERGENCY LEAVE

The below section is per Department of Defense Instruction 1327.06, *Leave and Liberty Policy and Procedures*, unless specified the guidance is from Air Force Instruction 36-3003, *Military Leave Program*.

Commanders may authorize up to 30 days of emergency leave. Requests for leave in excess of 30 days must be authorized by the Secretary concerned. Emergency leave is chargeable leave. Emergency leave and extensions thereto shall normally be granted to Service members for family emergencies involving members of their household, their immediate family, or a sole surviving relative whenever the circumstances warrant and the military situation permits. Swift and sensitive action on emergency leave requests is essential. Nevertheless, care must be taken to ensure that an emergency does exist and that the Service member's presence can resolve or alleviate the situation.

The Air Force Instruction 36-3003, *Military Leave Program* states, Commanders may delegate to unit first sergeant for enlisted members. When delegated approval authority, first sergeants can approve advance or excess leave for emergency leave purposes.

In Air Force Instruction 36-3003, *Military Leave Program*, immediate family is defined as, "the member's or spouse's:

1. Parents (including stepparents)
2. Children (including illegitimate children and stepchildren)
3. Brothers and sisters
4. Sole surviving blood relative.
5. In-loco-parentis person. In-loco-parentis must meet both of the following conditions:

- a. A person who stood in place of the member's parent for a period of at least 5 years before the member became 21 years of age or entered military service.
- b. The person provided a home, food, clothing, medical care, and other necessities, and gave moral, disciplinary guidance, and affection.

Emergency leave may be appropriate when:

1. A member of the household or immediate family has died.
2. The Service member's presence would contribute to the welfare of a dying member of the household or immediate family.
3. Serious illness of a member of the household or immediate family imposes a demand on the Service member that must be met immediately and cannot be accomplished from the duty station or by any other means.
4. The Service member's failure to return home places a severe or unusual hardship on the Service member, his or her household, or immediate family.
5. When Service members and/or their families have been personally affected by natural disasters or emergencies

In accordance with, Air Force Instruction 36-3003, *Military Leave Program*, Unit Commanders can grant advance leave/excess leave, however, if the member reaches a negative leave balance of 30 days, AFPC must approve the advance leave.

Emergency leave travel at Government expense is authorized in accordance with the Joint Federal Travel Regulation. Authorized transportation expenses are chargeable to the appropriated funds that support the temporary duty (TDY) travel of the Service member's assigned unit. However, emergency leave shall not be denied solely because of lack of funds for authorized funded emergency leave travel, nor shall emergency leave be granted for the purpose of either increasing the Service member's travel priority or to offset personal travel costs. Service members not authorized emergency leave travel under the provisions of the Joint Federal Travel Regulation may be authorized travel on Government owned or controlled aircraft in accordance with DoD 4515.13-R.

Members may obtain financial assistance with the expenses of emergency leave through the ARC or Air Force Aid Society. These agencies evaluate requests on a case-by-case basis.

DEPENDENT CARE

Policy

The Air Force expects all its personnel to provide regular and adequate dependent support, based on the dependent's needs and the ability of the member to pay. The following does not remove support obligations: assumption of additional responsibilities, family, remarriage, pending court actions.

The Air Force, on its own, cannot deduct money from a member's pay to ensure dependent support without the individual's permission. The Air Force complies with valid garnishment actions for the enforcement of child support and alimony payments. An active duty member's pay and allowances are also subject to a mandatory allotment to satisfy child and spousal support obligations where payments are in arrears for at least two months.

Provisions

Air Force members are required to arrange for proper care for their dependents if they are called away for duty. Advance planning is the key to family care arrangements, with plans covering all possible short- and long-term situations. Members must ensure the plans are sufficiently detailed and systematic to provide for a smooth, rapid transfer of responsibilities to another individual during the absence of the military sponsor. Commanders, first sergeants and supervisors assist members in developing family care plans. Members may also contact the staff judge advocate, the military personnel flight customer service, the chaplain and the family support center for assistance.

Commanders or first sergeants counsel all personnel with family members on Air Force Instruction (AFI) 36-2908, *Family Care Plans*, when they arrive at a new base. During this counseling, commanders and first sergeants stress the importance of, and confirm the need for, family care certification via completion of AF Form 357, *Family Care Certification*. The unit personnel office at the commander's location maintains a file copy of the Form 357. At least annually, commanders or first sergeants brief all military members in their organizations on this policy. They also individually counsel members required to complete an AF Form 357 to determine the actual feasibility of the family care plan. The supervisor's feedback on specific actions or behavior that could cast doubt on the member's reliability and sense of responsibility helps with this determination.

Members who are not required to fill out an AF Form 357, when briefed by the commander, must understand that even though they do not need to document family care arrangements, they are not relieved of their responsibilities to maintain adequate arrangements. There are situations in which commanders may find it necessary for members with civilian spouses to document family care arrangements on AF Form 357. Some examples include: a spouse has limited English language skills; a spouse has an illness, disability, or handicap; or a spouse does not reside in the local area, to include marital separation. Divorced members whose children temporarily reside with them for an extended period may need to certify family care.

Other times when personnel may need to certify family care arrangements are during reenlistment, extensions and permanent change of station (PCS) notification (whether it be a stateside, overseas or family-restricted assignment). Personnel may also need to certify family care arrangements upon confirmation of childbirth of a military member who is unmarried, or married to another military member, and upon placing a child in the home of an unmarried military member or married military couple as a part of formal adoption proceedings.

Court-Ordered Support/Garnishment

The Air Force expects its personnel to comply with the financial support provisions of a court order or written support agreement. Federal law authorizes the Department of Defense (DoD) to garnish the pay of active, reserve and retired members of the military and the pay of civilian employees of the federal government for the payment of child and/or spousal support when such action is supported by a court order or written agreement. The law is found at Section 659, Title 42, United States Code (USC), and the implementing regulations are found at 5 CFR Part 581. Failure of a member to comply with Air Force policy can lead to administrative or disciplinary action. The Air Force takes such action to maintain discipline and prescribed standards of conduct, but the action cannot lead to a pay deduction without a court order.

Those entitled to child support and/or alimony may seek collection of unpaid obligations through civil authorities by legal process of garnishment or statutory allotment pursuant to federal law. In

order to implement a garnishment or wage attachment against any member of the military or any civilian employee of the DoD, an income withholding order, or similar process, must be served on the Defense Finance and Accounting Service (DFAS) at the following address:

Defense Finance and Accounting Service

Garnishment Operations-HGA

P.O. Box 998002

Cleveland, Ohio 44199-8002

Customer Support: (888) 332-7411

Fax: (877) 622-5930

<http://www.dfas.mil/garnishment.html>

The submitted order cannot be the divorce decree or other order that directs the individual (debtor) to make the payment. Rather, the order must direct the government, as the employer, to withhold moneys and remit payments to satisfy the support obligation. The withholding order need not name the specific government office which employs the obligor. The order must provide the appropriate information about the person to receive payment.

In order for a withholding order to be processed, it must include the debtor's full legal name and social security number. Other identifying information concerning the debtor, such as a home or work address, would expedite the processing of the order. Also, include a return address on any correspondence, not only on the mailing envelope.

Questions concerning the child support and alimony process should be directed to DFAS at (888) 332-7411.

Survivor Benefit Plan (SBP)

The Survivor Benefit Plan <http://www.dfas.mil/retiredmilitary/provide/sbp.htm> provides a monthly income to the survivors of military retirees who choose to participate and to the surviving spouse (and in some cases, children) of members who die while on active duty and the Line of Duty (LOD) is determined to be "yes." In cases of active duty deaths in which LOD is "no," SBP will be authorized only if the member had 20 or more years of active service. Members of the Reserve components may enroll in the Reserve Component SBP (RCSBP) as soon as they receive notification they will qualify for retired pay at age 60 or they may defer their SBP elections until age 60. The survivors of retired members who elect not to participate in SBP or the RCSBP receive no monthly payments from the respective services upon the death of the retired member. According to Public Law 99-145, effective March 1, 1986, a spouse's written concurrence is required to validate the elections of retiring married members who decline SBP, elect reduced coverage or elect to cover a child but not the spouse.

SBP participants accept reduced retired pay to provide financial protection for their named beneficiaries. The government does not subject the premiums deducted from retired pay to the federal income tax. DFAS suspends premium deductions during any period there is not an eligible beneficiary. Members who waive retired pay, as in the case of a federal civil service employee who elects a combined retirement annuity and do not elect the Civil Service version of the SBP, may not terminate Air Force SBP, and will be required to remit their SBP premiums directly to the DFAS-Cleveland Center (DFASCL). It is the retiree's responsibility to notify DFAS-CL of any changes in beneficiary status.

Possible beneficiary designations and periods of eligibility are as follows:

- a. Spouse/Former Spouse - Eligible for life but payments suspended if remarriage occurs before age 55. The spouse may have the SBP reinstated if the remarriage terminates.
- b. Spouse/Former Spouse and Dependent Children of Spouse/Former Spouse - Paid as long as eligible; annuity follows to eligible children in the event the spouse/former spouse remarries before age 55 or dies. All of the member's children are potentially eligible in SBP coverage for a spouse and child. However, in the event SBP coverage is for the former spouse and children, only those children resulting from the marriage of the member and that former spouse are eligible as contingent beneficiaries.
- c. Children Only - Eligible until age 18 or age 22 if unmarried and in school full-time and not serving in the Uniformed Services Semester/quarterly certification of full-time student status is required. SBP pays benefits to unmarried children disabled before age 18, or age 22 while in school full time, as long as the disability renders them incapable of self-support.
- d. Insurable interest (natural interest person) - Applicable only if member is unmarried and has no dependent children. In some cases, a member may elect insurable interest coverage if there is only one dependent child at retirement. Person can be close relative (proof of insurability not required if more closely related than cousin), business partner or others with a financial interest in the member. Eligible for life, but the retiree may terminate coverage at any point. Annuity payable will be 55% of the full gross retired pay less monthly costs.

Previously, when a spouse annuitant reached age 62 and became eligible for Social Security benefits, DFAS reduced the SBP payment to 35 percent of the base amount.

Upon enactment of Public Law (PL) 108-375 (October 28, 2004), this two-tier benefit was eliminated in the following phases: October 1, 2005, 40 percent of the base amount; April 1, 2006, 45 percent of the base amount; April 1, 2007, 50 percent of the base amount; and effective April 1, 2008, the SBP annuity will be paid at the maximum amount, 55 percent of the base amount.

There is no age 62 reduction to SBP payments to insurable interest beneficiaries.

As a result of PL 108-375, the Supplemental SBP (SSBP) which was implemented April 1, 1992, was terminated and participants who had elected SSBP coverage had those costs restored to their retired pay effective November 1, 2004.

Although DFAS deducts cost for coverage from participants' retired pay before computing their tax liability, SBP annuities are subject to federal income taxation. In some cases, annuities may be subject to state income tax and/or federal estate tax. Pursuant to the Internal Revenue Code, DFAS withholds tax at a flat rate of 30 percent on nonresident aliens if they reside in a country without a tax treaty with the USA. Annuitants should contact the Internal Revenue Service with regard to the taxability of their SBP annuities.

SBP base amounts, annuities and premiums are subject to the cost-of-living adjustments applied to military retired pay.

The SBP annuity is offset (i.e., reduced) by the surviving spouse's entitlement to Dependency and Indemnity Compensation (DIC) paid by the Department of Veterans Affairs (VA) to spouses of members who die of a service-connected cause. In these cases, DFAS pays a full or partial refund of SBP premiums deducted from the retiree's pay to the surviving spouse when DIC is authorized.

Following enactment of PL 110-181 (18 Apr 08), surviving spouses whose SBP is offset by DIC (partially or completely) became eligible for the Special Survivor Indemnity Allowance (SSIA). Beginning 1 Oct 08, DFAS pays SSIA to those affected spouses. Monthly SSIA payments are as follows:

- ❑ 1 Oct 08 thru 30 Sep 09 - \$50
- ❑ 1 Oct 09 thru 30 Sep 10 - \$60
- ❑ 1 Oct 10 thru 30 Sep 11 - \$70
- ❑ 1 Oct 11 thru 30 Sep 12 - \$80
- ❑ 1 Oct 12 thru 30 Sep 13 - \$90
- ❑ 1 Oct 13 thru 30 Sep 14 - \$150
- ❑ 1 Oct 14 thru 30 Sep 15 - \$200
- ❑ 1 Oct 15 thru 30 Sep 16 - \$275
- ❑ 1 Sep 16 thru 30 Sep 17 - \$310
- ❑ SSIA payments terminate in Oct 2017

PL 105-261 (October 17, 1998, authorized a paid-up provision to the SBP). The law states that, effective Oct 1, 2008, no reduction may be made in the retired pay of a participant in SBP for any month after the later of the 360th month of retired pay reduction and the month during which the participant reaches 70 years of age. Implementation of this provision became effective Oct 1, 2008. No action is required by retirees to initiate the termination of premiums.

PL 105-85 (November 18, 1997) provides that retirees who elect SBP coverage at retirement have a one-year period, beginning on the second anniversary of the date of commencement of retired pay, during which they may choose to voluntarily discontinue participation in the SBP.

Once participation is discontinued under the disenrollment provision, no person (i.e., spouse, child, former spouse, etc.) may be paid an annuity in conjunction with any previous participation, no refund of any premiums properly collected will be made, and the member may not resume participation in SBP at any future time for any category of beneficiary.

An SBP participant eligible to disenroll should submit a written request to the Defense Finance and Accounting Service using a DD Form 2656-2, *Survivor Benefit Plan (SBP) Termination Request*. A request for information, or a request for termination that is not on a DD Form 2656-2 and not signed, dated, and submitted to the address on the DD Form 2656-2 between the 25th and 36th month of receiving retired pay will not be considered a valid request to disenroll. Any premiums deducted for periods on or after such effective date will be refunded; however, there is no refund of any premiums properly collected before that date.

Former-spouse coverage can be established without the member's active participation when the following conditions exist:

- ❑ The member was required by a court order dated after November 14, 1986, to provide former-spouse coverage, or the member agreed in writing to provide former-spouse coverage.
- ❑ The member failed or refused to make a former-spouse SBP election. The member should know that he/she could be held in contempt of court in this situation.
- ❑ The former spouse sent a DD Form 2656-10, *Survivor Benefit Plan (SBP)/Reserve Component (RC) SBP Request For Deemed Election*, to DFAS (Defense Finance and Accounting Service, U.S. Military Retirement Pay, PO Box 7130, London, KY 40742-7130) requesting that an election for

former-spouse coverage be deemed to have been made. The former spouse's deemed election request must be received by DFAS within one year of the date of the court order or it cannot be honored. This is true even if the court order was issued more than a year before a member's retirement date, in which case the former spouse's request for a deemed election would be maintained on file at DFAS until the member retires.

Uniformed Services Former Spouses' Protection Act

The Uniformed Services Former Spouses' Protection Act <http://www.dfas.mil/garnishment/usfspa/legal.html>, Section 1408, Title 10, USC, recognizes the right of state courts to distribute military retired pay to a spouse or former spouse (hereafter, the former spouse) and provides a method of enforcing these orders through the Department of Defense. The Act itself does not provide for an automatic entitlement to a portion of the member's retired pay to a former spouse. A former spouse must have been awarded a portion of a member's military retired pay as property in their final decree of divorce, dissolution, annulment, or legal separation (the court order). The Act also provides a method of enforcing current child support and/or arrears and current alimony awarded in the court order.

Court orders enforceable under the Act include final decrees of divorce, dissolution, annulment, and legal separation, and court-ordered property settlements incident to such decrees. The pertinent court order must provide for the payment of child support, alimony, or retired pay as property, to a spouse/former spouse. Retired pay as property awards must provide for the payment of an amount expressed in dollars or as a percentage of disposable retired pay (gross retired pay less allowable deductions). An award of a percentage of a member's retired pay is automatically construed under the Act as a percentage of disposable retired pay. A Qualified Domestic Relations Order is not required to divide retired pay as long as the former spouse's award is set forth in the pertinent court order.

In all cases where the member is on active duty at the time of the divorce, the member's rights under the Servicemembers Civil Relief Act (SCRA) must have been observed during the state court proceeding. In addition, for orders dividing retired pay as property to be enforced under the Act, a member and former spouse must have been married to each other for at least 10 years during which the member performed at least 10 years of creditable military service (the 10/10 rule). Also, to enforce orders dividing retired pay as property, the state court must have had jurisdiction over the member by reason of (1) the member's residence in the territorial jurisdiction of the court (other than because of his military assignment), (2) the member's domicile in the territorial jurisdiction of the court, or (3) the member's consent to the jurisdiction of the court, as indicated by the member's taking some affirmative action in the legal proceeding. The 10/10 rule and the jurisdictional requirement do not apply to enforcement of child support or alimony awards under the Act.

The maximum that can be paid to a former spouse under the Act is 50% of a member's disposable retired pay. In cases where there are payments both under the Act and pursuant to a garnishment for child support or alimony under Section 659, Title 42, USC, the total amount payable cannot exceed 65% of the member's disposable retired pay. The right to payments under the Act terminates upon the death of the member or former spouse, unless the applicable court order provides that the payments terminate earlier.

In order to apply for payments under the Act, a completed application form (DD Form 2293) signed by a former spouse together with a certified copy of the applicable court order certified

by the clerk of court within 90 days immediately preceding its service on this Center should be served either by mail or fax, upon the:

Defense Finance and Accounting Service

Cleveland DFAS-HGA/CL

PO Box 998002

Cleveland, Ohio 44199-8002

Customer service: (888) 332-7411

Fax: (877) 622-5930

The application form should state which awards the former spouse is seeking to enforce under the Act (i.e., alimony, child support, and/or division of retired pay as property). If the application form does not contain this information, then only awards of retired pay as property will be enforced under the Act. A former spouse should also indicate the priority of the awards to be enforced in case there is not sufficient disposable retired pay to cover multiple awards.

The court order should contain sufficient information for DFAS to determine whether the SCRA, and the Act's jurisdictional and 10/10 requirements (if applicable), have been met. If DFAS cannot determine the parties' marriage date from the court order, then the former spouse must submit a photocopy of their marriage certificate. If the former spouse is requesting child support, and the court order does not contain the birth dates of the children, the former spouse must provide photocopies of their birth certificates.

If the requirements of the Act have been met, payments to a former spouse must begin no later than 90 days after the date of effective service of a complete application. If the member has not yet retired at the time the former spouse submits his or her application, payments must begin no later than 90 days after the date on which the member first becomes entitled to receive retired pay.

Court orders awarding a portion of military retired pay as property that were issued prior to June 26, 1981, can be honored if the requirements of the Act are met. However, amendments issued after June 25, 1981, to court orders issued prior to June 26, 1981, which were silent as to providing for a division of retired pay as property, cannot be enforced under the Act. Also, for court orders issued prior to November 14, 1986, if any portion of a member's military retired pay is based on disability retired pay, the orders are unenforceable under the Act.

Section 1408(h) of the Act provides benefits to former spouses who are victims of abuse by members who, as a result of the abuse of a spouse or dependent child, lose the right to retired pay after becoming retirement eligible. A former spouse may only enforce an order dividing retired pay as property under this Section, and all of the other requirements of the Act must be satisfied. The right to payments under this Section terminates upon the remarriage of the former spouse, or upon the death of either party.

Spouse/Dependent Privileges

20/20/15: To qualify for certain entitlements and a military identification (ID) card under the Uniformed Services Former Spouses' Protection Act, at the time of divorce, dissolution or annulment of marriage, the former spouse must meet all three of the following eligibility requirements:

1. Unremarried former spouse must have been married to a military member for at least 20 years;
2. The military member must have performed at least 20 years of service that is creditable in determining eligibility for retired pay; and,

3. There must have been at least a 15-year overlap of marriage and the former spouse's creditable service. The amount overlap determines the benefits to which the former spouse is entitled.

20/20/20: To qualify for all benefits (medical, commissary, base exchange and theater privileges under Morale, Welfare, and Recreation), an unremarried former spouse, at the time of divorce, dissolution or annulment of marriage, must meet the following eligibility requirements:

1. They must have been married for at least 20 years to the military member who performed at least 20 years of service creditable in determining eligibility for retired pay; and,
2. There must have been a 20-year overlap of marriage and military service.

NOTE: If a former spouse participates in an employer-sponsored health plan, the Act does not authorize medical care. When the former spouse no longer participates in an employer-sponsored health plan, he or she may have medical care benefits reinstated.

A former spouse who qualified under the *20/20/20* criteria, but who lost eligibility because of remarriage, and who subsequently becomes unmarried through divorce or death of spouse, is entitled to reinstatement of commissary, base exchange and theater privileges only. The Act does not authorize reinstatement of medical care.

Former spouses of military sponsors who are on active duty and have 20 years or more creditable service toward retired pay are eligible to apply for an ID card. The military sponsor does not have to be in retired status.

To qualify for a 4-year renewable ID card reflecting medical benefits only, an unremarried former spouse at the time of divorce, dissolution or annulment must meet the following requirements:

1. The individual must have been married for at least 20 years to a military member who performed at least 20 years of service creditable in determining eligibility for retired pay;
2. There must have been at least a 15-year overlap of marriage and military service (*20/20/15*); and,
3. The divorce must have occurred before April 1, 1985.

NOTE: If a former spouse participates in an employer-sponsored health plan, the Act does not authorize an ID card. When the former spouse is no longer in an employer-sponsored health plan, he or she may have medical benefits reinstated.

An unremarried former spouse who meets the *20/20/15* requirements, but whose divorce occurred on or after April 1, 1985, but prior to September 29, 1988, is no longer eligible for an ID card. The law authorized an ID card for this category of former spouses for 2 years from date of divorce or December 31, 1988, whichever was later.

An unremarried former spouse who meets the *20/20/15* requirements, but whose divorce occurs on or after September 29, 1988, qualifies for medical benefits only, limited to one year from date of divorce. If a former spouse participates in an employer-sponsored health plan, the Act does not authorize an ID card.

It should be noted that when the former spouse no longer participates in an employer-sponsored health plan, the spouse may have medical benefits reinstated and have an ID card issued with medical benefits only, not to exceed the one year period of coverage from date of divorce.

A former spouse who qualified for benefits and privileges under the *20/20/20* provision of the USFSPA, who subsequently remarries and that marriage ends by a legal court order annulment, may be eligible for consideration to have their ID card benefits and privileges restored.

CHAPTER 14

RESOLVING COMPLAINTS

PRESENTING COMPLAINTS TO THE APPROPRIATE OFFICIALS

Air Force members should present complaints to the appropriate officials responsible for the area of their complaint. Personnel should not use the IG complaint program for matters normally appealed or redressed through other channels, unless there is evidence that those channels mishandled the complaint (e.g., an individual denied specific rights or there was a breach of established policy or procedure).

AIR FORCE INSPECTORS GENERAL (IG)

In keeping with the law and Department of Defense (DoD) direction, Air Force Inspectors General have numerous responsibilities including overseeing and inspecting mission capability, operational readiness and unit effectiveness. IGs are also responsible for managing the Air Force IG Complaints Resolution Program.

The Inspector General Act of 1978 (Title 5, United States Code (USC) App. 3) established duties and responsibilities for the DoD IG and other federal agency IGs. Section 8020, Title 10, USC established the Office of Inspector General of The Air Force. Per Title 10, when directed by the

Secretary of the Air Force (SECAF) or the Chief of Staff of the Air Force (CSAF), the Inspector General of the Air Force (SAF/IG) shall inquire into and report upon the discipline, efficiency, and economy of the Air Force; and perform any other duties prescribed by SECAF or CSAF. Title 10 also directs that SAF/IG “shall cooperate fully with the Inspector General of the Department of Defense in connection with the performance of any duty or function by the Inspector General of the Department of Defense under the Inspector General Act of 1978 (5 U.S.C. App. 3) regarding the Department of the Air Force.”

Inspector General Complaints Resolution Program

The Air Force Complaints <http://www.af.mil/InspectorGeneralComplaints.aspx> and Fraud, Waste, and Abuse (FWA) Programs are leadership tools that help commanders identify and correct systemic, programmatic or procedural weaknesses. These programs ensure prompt and fair resolution of problems affecting the Air Force mission and morale.

Personal complaints and FWA disclosures help commanders discover and correct problems affecting the productivity and satisfaction of assigned personnel. Resolving the underlying cause of a complaint may prevent more severe symptoms or costly effects, such as reduced performance, accidents, poor work quality, poor morale and loss of resources.

The SECAF directs SAF/IG, via AFPD 90-3, to establish policies and procedures that ensure the implementation of credible and responsive Air Force complaints and FWA programs, and compliance with the provisions of the applicable laws and directives. AFPD 90-3 also directs major commands, direct reporting units, and forward operating area commanders and the Director, Air National Guard to: appoint an IG for their organization who is directly responsible to the commander for carrying out assigned responsibilities; to establish procedures to manage Air Force complaints and FWA programs at their level and below; and to follow the requirements and satisfy the responsibilities established in AFI 90-301, *Inspector General Complaints Resolution*.

AFPD 90-3 further directs: the establishment of independent installation IGs at all active duty and Air Force Reserve installations and ANG wings; and that the installation IG reports directly to the installation commander.

AFI 90-301 provides for the receipt and processing of complaints and for the conduct and quality review of IG investigations. It also explains how individuals may present personal complaints for resolution. AFI 90-301 formalizes the Air Force's commitment to prevent and eliminate FWA and gross mismanagement and to conduct IG investigations. Air Force members have a duty to report mismanagement, FWA, a violation of any Air Force policy or instruction, an injustice, a deficiency or a like condition to a superior or commander in their chain of command, to an inspector or IG, or to any established grievance channel.

Complaints Normally Not Handled by the IG

The IG exists to provide a means of redress where none already exists and to investigate concerns when there is evidence of a violation in the procedures established to address the complaint. The IG does not generally handle matters covered under other directives.

Remember, if a policy directive or Air Force Instruction provides a specific appeal or redress channel, a complainant should exhaust those channels before requesting assistance from an IG.

All IGs reserve the right to refer any complaint or disclosure received which belongs in another channel to the proper authority. IGs will notify complainants (except anonymous complainants) when a different agency is the primary office of responsibility for their complaint.

Complainant Procedures

The Air Force has a well-established IG complaints program that provides for confidentiality and safeguard from reprisal. Air Force members have the right to communicate allegations of violations of law, policy, instruction or procedures without fear of reprisal in accordance with public law and DoD directive. IGs process allegations of reprisal in accordance with procedures established in AFI 90-301.

An Air Force member may file an IG complaint at any level without notifying or following the chain of command. Complainants normally do not travel at government expense to present a complaint.

IGs conduct investigations at a command level that avoids self-investigation or the perception of the same. When there is doubt that a given IG can conduct an impartial investigation, IGs generally transfer the matter to the next higher-level IG. The investigating officer must be impartial, unbiased, and objective.

When submitting complaints, individuals may identify themselves or remain anonymous. IGs have a responsibility to safeguard to the maximum extent practicable the personal identity and complaints of individuals seeking assistance or participating in an IG process. The identity of complainants and disclosures will be strictly limited to an official need-to-know basis and not disclosed unless required by law or regulation, when needed for command action regarding a subject, or with the approval of SAF/IG. In making a disclosure (allegations), an individual is responsible for providing factual, unbiased, and specific information. AFI 90-301 prohibits the release of records relating to IG investigations outside of IG channels without the approval of The Inspector General (SAF/IGQ) or his/her designated representative. To file an IG complaint, an Air Force member should contact the installation IG office. Each installation also maintains an IG Hotline that accepts complaints.

Fraud, Waste and Abuse (FWA) Program

The Air Force Inspector General is the focal point for administering the Air Force's Fraud, Waste and Abuse Program. Detection and prosecution serve to deter fraudulent, wasteful or abusive practices; however, the essential element of the program is preventing the loss of resources. Anyone may report fraud, waste, and abuse complaints to an Air Force IG, the Air Force Audit Agency (AFAA), Air Force Office of Special Investigations (AFOSI), security forces or other proper authority. As with personal complaints, constituents should try resolving FWA issues within command channels before elevating them to a higher level.

Support by both military and civilian members is crucial in preventing and eliminating FWA. Without full support from both military and civilian personnel, the Air Force cannot succeed in the fight against FWA. Any individual who is aware of ineffective controls that could lead to a waste of resources should report the situation to the proper officials. An individual may submit FWA disclosures on an AF Form 102, *Inspector General Personal and Fraud, Waste, and Abuse Complaint Registration Form*, by letter, in person or by calling the IG hotline at (800) 538-8429 or (202) 404-5354.

Release of IG Investigative Information

When a complaint is investigated within Air Force IG channels, complainants will receive a final response, in writing, with the findings of the investigation. The nature of the allegation(s), finding(s) and any corrective action required would determine what information is releasable.

All information released must be in accordance with the Privacy Act of 1974 and Freedom of Information Act (FOIA) guidelines. AFI 90-301 provides further detail.

The Air Force investigates and processes anonymous disclosures in the same manner as all other complaints and disclosures. However, the Air Force will not provide feedback information to inquiring individuals, including any individual claiming to be the disclosure source, unless provided for under applicable FOIA guidelines.

The IG will process all other requests for IG investigation reports in accordance with applicable law, FOIA, and the Privacy Act.

Contacts for the IG Complaint and FWA Programs

The Secretary of the Air Force's Directorate of Legislative Liaison Congressional Inquiry Branch processes requests for investigation or information made by Members of Congress. The Inquiry Branch is also the focal point for obtaining information on the status of IG investigations requested by a Congressional office and referred to the Air Force Inspector General by the Inquiry Branch. Status inquiries may be submitted by e-mail or fax, although e-mail submissions allow for the most efficient processing: usaf.pentagon.saf-ll.mbx.SAF-LLMI-workflow@mail.mil or fax 703-693-6340.

General questions regarding the IG Complaint and FWA Program should be directed to the Secretary of the Air Force Office of the Inspector General at (202) 404-5354

AVENUES OF REDRESS FOR CIVILIAN EMPLOYEES

Grievance. Civilian personnel may file a grievance to request personal relief in any matter of concern or dissatisfaction relating to their employment, which is subject to the control of Air Force management. The first line supervisor, as well as staff members of the local Civilian Personnel Office, may provide guidance on this procedure.

Administrative Procedure. This procedure is available to civilian employees who receive their pay from appropriated funds, and who are either nonbargaining-unit or bargaining-unit employees in a unit where no collective bargaining agreement exists or where the negotiated procedure excludes the matter at issue. The first-line supervisor, as well as staff members of the local Civilian Personnel Office, may provide guidance on this procedure.

Negotiated Procedure. Negotiated procedures are available to civilian employees whose positions are part of the local bargaining unit, where the collective bargaining agreement provides for a procedure to address the matter at issue. The first line supervisor, as well as staff members of the local Civilian Personnel Office, may provide guidance on this procedure.

Appeal to the Merit Systems Protection Board. The Merit Systems Protection Board (MSPB) is an independent government agency that adjudicates Federal employees' appeals of certain agency personnel actions which will promote the efficiency of the service, e.g., removal from Federal service, suspensions for more than 14 days for cause. The supervisor provides the employee with information on the filing of an appeal to the MSPB when he or she issues the final decision to take adverse action. The employee may also obtain this information from the local Civilian Personnel Office.

Equal Employment Opportunity Complaint Process. An aggrieved person, who believes he or she has been discriminated against on the basis of race, color, religion, sex, national origin, age or disability, or has been sexually harassed, may contact an Equal Employment Opportunity (EEO) counselor on the local installation. The counselor will advise individuals in writing of their rights and responsibilities.

Complaint to Office of Special Counsel. The Office of Special Counsel (OSC) is an independent government agency that investigates prohibited personnel practices, such as whistleblowing reprisal and nepotism. The local Civilian Personnel Office, or the Air Force Inspector General's Office can provide guidance on this procedure.

Classification Appeals. This is the resolution process for employee disputes involving the proper classification of their position descriptions. The first line supervisor, as well as staff members of the local Civilian Personnel Office, may provide guidance on this procedure.

Department of Defense Inspector General – The Department of Defense Inspector General (DoD IG) is also available to take civilian personnel complaints regarding reprisal. They can be reached via the DoD IG Hotline <http://www.dodig.mil/hotline/>.

COMPLAINT PROCESS FOR NAF CIVILIAN EMPLOYEES

The Air Force Nonappropriated Fund (NAF) Personnel Program supports vital community service and combat support activities through the employment of approximately 27,000 employees worldwide. The salaries for NAF employees are self-generated through installation business activities similar to private sector enterprises. While the Secretary of Defense has overall policy oversight of personnel programs, the services have been delegated authority to tailor their policies to their specific needs.

Appointments. While the appropriated fund Civil Service rules and regulations are primarily statute-driven, the NAF program is highly flexible. There are only two employment categories, flexible and regular. Flexible positions entail temporary or sporadic duties that can range from 0-40 hours per week with no employee benefits. Regular employees, however, are assigned

duties of a continuous nature and are guaranteed anywhere from 20-40 hours of work per week. Currently, flexible employees comprise approximately 51 percent of the Air Force NAF workforce.

Employee Appeals and Grievances. NAF employees have specified appeal and grievance entitlements that are detailed in AFMAN 34-310. The exceptions are any procedures negotiated in local labor-management relations contracts. Also, equal employment opportunity (EEO) complaints use the same complaint process as appropriated fund employees.

CHAPTER 15

LEAVING THE AIR FORCE

VOLUNTARY SEPARATION

Enlisted members may voluntarily separate from the Air Force by declining their option to reenlist at the end of their current enlistment term, or they may apply for separation for a number of reasons including: entering an officer training program, early release to further education, medical education, elimination from officer training school, Air Force nonfulfillment of enlistment agreement, sole surviving son or daughter, early release from extension, miscellaneous reasons, conscientious objector, medal of honor and pregnancy. Officers may also request to voluntarily separate when they no longer have an active duty service commitment, or when they have an active duty service commitment to the Air Force but have an extenuating circumstance that they believe impacts their ability to continue their service. The following paragraphs provide details regarding the most common requests for early separation.

PALACE CHASE Program

The objective of the PALACE CHASE program is to release volunteers from active duty to fill vacancies in Air National Guard and Air Force Reserve units in support of the Total Force concept. In Service Recruiters and the Air Force Personnel Center (AFPC) officials evaluate each application on a case-by-case basis. The prime criteria authorities use in making this evaluation are manning conditions, retainability of the applicant, and vacancies in Guard and Reserve units. If the applicant is overseas, the member must submit an application six months prior to their Date Eligible for Return from Overseas (DEROS) for an early release equal to their DEROS. The member may apply for up to six months early release if their DEROS equals the Date of Separation (DOS). Airmen must have served at least two years of a four year enlistment or three years of a six-year enlistment. Officers with an active duty service commitment must have served at least two-thirds of their required commitment, and at least 24 months of active duty before being eligible for release from active duty. The final decision on each application depends upon the needs of the Total Force.

Hardship

An undue hardship exists when the family of airmen or officers must endure adverse conditions beyond those normally encountered by other service members and their families. Members may be authorized a hardship discharge when the evidence submitted establishes that undue and unforeseeable circumstances have arisen during the current enlistment or commitment and a discharge will contribute materially to the care or support of the member's family.

Officials at any base personnel office will assist the member in completing an application and advise him or her of the documents required to support the request. The Air Force has delegated authority to approve enlisted applications to base discharge authorities (normally wing commanders) because they are in the best position to evaluate the merits of such cases. Officers requesting early discharge or requesting an extension to their date of separation/retirement may have their applications forwarded to the SecAF or his/her delegate based on their application's reasoning.

Early Release to Attend School

The Air Force has a program which permits the base discharge authority to approve the early release of airmen who wish to enter or return to school for full-time courses of instruction. An airman must be able to document unconditional acceptance by the school and must show the latest registration date will fall within the remaining 90 days of service. The discharge authority normally approves an application to permit separation up to 90 days before an enlistment expires when the individual's service is not essential to the mission of the organization. The date of separation should not be more than 10 days before the class start date.

Miscellaneous Reasons

Airmen who are not eligible for separation consideration under other provisions may request separation under a "miscellaneous reasons" provision. Base discharge authorities review the reasons presented and evaluate other factors such as time in service, time since completion of training, time since the airman's last permanent change of station, personnel shortages, if any, within the individual's specialty, and any pending assignment actions. Base discharge authorities may disapprove requests not in the best interests of the Air Force and may approve requests for airmen assigned in the continental United States when the requested date of separation (DOS) is within 12 months of the normal DOS. If the requested DOS is more than 12 months before the normal DOS, and the request has merit, the base discharge authority recommends approval and sends it to the AFPC for a decision. The needs of the Air Force are paramount and are the controlling consideration in decisions reached by AFPC.

INVOLUNTARY SEPARATION

The Air Force may involuntarily separate members for a number of reasons including: medical conditions which existed prior to service, fraudulent entry, alcohol or drug abuse rehabilitation failure, ineffective or unsatisfactory performance, misconduct, or conviction in a civil court after entry on active duty. The Air Force may also utilize Involuntary Separation programs during limited periods of force draw down. Additionally, commanders may deny airmen the privilege of reenlisting when they fail to meet required retention standards.

When involuntarily separated, the Air Force may characterize the member's separation as honorable, general, under other than honorable conditions, or as an entry-level separation. Separation of Air Force personnel prior to completion of their service obligations is of considerable concern at all levels of command. Our investment in recruiting, training and equipping both officers and airmen is costly. Early separations waste funds and lead to more accessions. Therefore, the Air Force thoroughly evaluates each separation case to ensure compliance with established policy and procedures before making a final decision.

Commanders notify airmen recommended for discharge, in writing, of the proposed discharge action and provide copies of all supporting documents forwarded to the separation authority. Airmen have the right to legal counsel and to submit statements in rebuttal. In some cases, the individual may be entitled to appear before an Administrative Discharge Board. A senior commander with court-martial jurisdiction makes a final decision after the judge advocate reviews the findings and recommendations for legal sufficiency. The Air Force will not discharge any individual until a judge advocate (staff legal advisor) declares the case legally sufficient to warrant such action. These procedures safeguard the rights of individuals recommended for discharge and ensure the commander judges each recommendation solely on its own merit.

Medical Disability

Air Force members must be able to function in a normal military environment without adverse effect on their health, or the health of others, and without the need for an excessive amount of medical care. When the Integrated Disability Evaluation System (IDES) <http://www.realwarriors.net/active/disability/disability.php> (see more in Chapter 11, Medical and Healthcare Matters) and more specifically the Informal and Formal Physical Evaluation Boards (IPEB and FPEB) determine an Airman is no longer medically fit to perform the necessary military duties, Chapter 61, Title 10, United States Code (USC), governs the disability separation or retirement, either permanent or temporary, of Armed Forces members. The disability evaluation system ensures fair and impartial treatment for all members whose medical fitness for duty is under review.

The law specifies that eligibility to receive benefits requires a determination that the Airman incurred the condition (rendering him or her physically unfit to perform military duties) in the line of duty while entitled to basic pay. Wounded, ill and injured servicemembers can find extensive and detailed information concerning compensation and benefits in the Department of Defense Compensation and Benefits Handbook <http://warriorcare.dodlive.mil/files/2011/11/Compensation-and-Benefits-Handbook-May-2014.pdf>] as well as the Department of Veterans Affairs web site <http://www.benefits.va.gov/PREDISCHARGE/disability-exams.asp>

When the Secretary of the Air Force determines a member's disability resulted from the member's own misconduct or the member incurred it because of gross negligence, the Air Force must separate the member without disability benefits. In this regard, the fact an individual has a disability does not mean the Air Force cannot separate the individual under other provisions of law. Once the Office of the Secretary of the Air Force directs a member's discharge under Section 1207, Title 10, USC, the percentage of disability is no longer a factor in the case and the member becomes ineligible for disability retirement under the law.

Temporary Disability Retired List

Air Force members may be placed on the Temporary Disability Retired List (TDRL) when their conditions have not stabilized (i.e., may improve or become more severe). The TDRL protects both the member and the government. It protects the individual from being permanently retired with a condition that may develop into a more serious one. It also provides a safeguard for the government against permanently retiring members who may be expected to recover, or nearly so, from the physical disability which caused them to be found unfit.

Section 1210, Title 10, USC, requires the Air Force to reexamine TDRL members at least once every 18 months to determine whether there has been a change in the condition for which they were retired. Following reexamination, we may retain members on the TDRL for a period of further observation, or remove them from the TDRL if their conditions have stabilized. If the Air Force does not remove members' names sooner, the disability retirement pay of TDRL members terminates, by law, upon the expiration of five years after the date of their original placement on the TDRL. Upon removal from the list, the Air Force may determine the member is fit and may return to duty if that is their choice, permanently retire the member, or discharge the member, depending upon the circumstances in each individual case.

The Air Force is required by law to rate members' disabilities on their condition at the time of their latest evaluation, as opposed to the Department of Veterans Affairs (VA). The VA, operating under Title 38, USC, provides compensation for members based on the average impairment in earning capacity resulting from service-connected diseases and/or injuries. As such, the VA, over

a period of years, may require the periodic reevaluation of members for the purpose of changing their disability awards if their level of impairment changes. Since the military only rates those conditions that make a person unfit for continued military service and the VA rates all medical conditions connected to the member's military service, this often results in a difference between the military and the VA ratings.

Disability Ratings & the Physical Disability Board of Review (PDBR)

The National Defense Authorization Act of Fiscal Year 2008 created the PDBR <http://www.afpc.af.mil/afveteraninformation/physicaldisabilityboardofreview/index.asp>. The objective of the PDBR is to examine an applicant's medical separation when the rating for the unfitting condition was 20 percent or less and the applicant was not allowed to retire; the PDBR determines whether the rating awarded was fair and accurate. To be eligible to apply for this review, a member must have been medically separated with entitlement to severance pay between September 11, 2001, and December 31, 2009. Unlike review by the Air Force Board for Correction of Military Records (AFBCMR), this review is limited to the rating awarded for the unfitting condition(s), as well as condition(s) identified but not determined to be unfitting by the Physical Evaluation Board of the military department concerned; review by the PDBR cannot evaluate whether other conditions should have been rated.

Detailed information about the review, including application procedures and frequently asked questions, may be found at Health.mil's PDBR webpage <http://www.health.mil/pdbr>. A former service member may apply for review by submitting DD Form 294, *Application for a Review by the Physical Disability Board of Review (PDBR) of the Rating Awarded Accompanying a Medical Separation from the Armed Forces of the United States* <http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd0294.pdf>. The PDBR is a paper-only review; applicants are not entitled to a hearing. Applicants may submit affidavits, witness statements or medical opinions. The applicant may be represented by counsel or another advocate, but the government will not pay for this assistance.

The PDBR will compare the rating awarded by the Department of Veterans Affairs with the service-awarded rating while paying particular attention to any rating with an effective date within 12 months of the medical separation. The PDBR reviews the rating and makes a recommendation to the Secretary or his or her designee as to whether the rating should be changed. In no instance will a member's rating be decreased. The decision is final, and an applicant must waive his or her right to petition the AFBCMR on the issue of the rating awarded, but not on other issues.

RETIREMENT

Voluntary Service Retirement

The laws governing voluntary retirement provide members who have attained minimum retirement eligibility to request retirement. However, the Secretary of the Air Force may withhold final approval pending resolution of any existing restriction. Completion of 20 years of active service does not automatically entitle a member to retirement if there are active duty service commitments resulting from promotion, training, education, permanent change of station moves, medical deferment, or if the member has pending disciplinary action, etc. The Air Force may waive active duty service commitments if the member can substantiate a severe personal hardship uncommon to other Air Force members or demonstrate that the waiver would be in the best interest of the Air Force.

Mandatory Service Retirement

Mandatory retirement laws maintain a vital and vigorous officer force through the orderly attrition of regular officers.

Overseas Retirement

A member on an overseas tour is not eligible to retire until completion of the active duty service commitment associated with the tour unless the Air Force waives the commitment for severe personal hardship or when found to be in the best interest of the Air Force. The member has an option to return to the U.S. to retire or, if the member satisfies host nation requirements, may retire at the overseas location.

Information on retirement pay calculator, concurrent retirement, disability pay, wounded warriors, combat related special compensation, concurrent retirement, disability payments temporary disability retirement list and other pay related information can be found at <http://www.dfas.mil/>.

DISCHARGE CHARACTERIZATIONS

Air Force Discharge Review Board (AFDRB)

The AFDRB <http://www.afpc.af.mil/afveteraninformation/airforcedischargereviewboard/index.asp> determines whether or not a member's discharge was proper and equitable. When the board determines an impropriety and/or inequity exist(s), it will direct a change, correction or modification to the type of discharge.

Inequity means the policies and procedures under which the applicant was discharged differ in material respects from policies and procedures currently applicable on an Air Force-wide basis. Additionally, inequity means there is substantial doubt that the same discharge would have occurred if current procedures and policies were to have been applied in the applicant's case.

Impropriety means an error of fact, law, procedure or an abuse of discretion that prejudiced the rights of the applicant. However, not every error will support relief; to be considered prejudicial error, under the facts and circumstances of the case, the error must raise substantial doubt as to whether the discharge would have remained the same if the error had not occurred.

Officers, enlisted and civilian personnel assigned to the Secretary of the Air Force Personnel Council constitute the members of the AFDRB. These individuals have backgrounds in the medical, legal, and personnel fields, and some have command experience. The grades of board members range from senior master sergeant to colonel (or equivalent). Regional boards include three members from the Air Force Personnel Council and two augmentees from local Air Force or Reserve resources. Selected augmentees are preferably colonels or lieutenant colonels with command experience, personnel experience or experience as a judge advocate. Each member of the board casts one vote, with a majority of the votes determining the board's decision.

By law, the AFDRB may only accept those applications submitted within 15 years of the discharge date and from former members not discharged by sentence of a general court-martial. If either of the foregoing conditions exists, then the applicant must apply to the Air Force Board for Correction of Military Records (AFBCMR, see above) for a review. Also, the AFDRB can change the reason for discharge to anything other than medical discharge. If an applicant requests a change in reason for discharge to medical or medical-related issues, the AFBCMR becomes the appropriate review agency.

In addition, **only** Bad Conduct Discharges (BCDs) handed down by special courts-martial may be upgraded/reviewed as an act of clemency; the AFDRB cannot review BCD cases handed down by general courts-martial. This is due to the fact that BCDs given by special courts-martial are all reviewed by Military Review Courts for legal errors and the factual basis of the conviction. Given that Discharge Review Boards (DRBs) are administrative in nature, they are only allowed to consider clemency issues (post-service conduct) when reviewing BCDs because such cases have already been reviewed for any error (impropriety) or injustice (inequity).

Clemency is an act of leniency which reduces the severity of the punishment imposed (often referred to as post-service clemency). The DRB may grant clemency relief based on lengthy, encompassing, creditable post-service conduct.

Using DD Form 293, *Application for the Review of Discharge from the Armed Forces of the United States* <http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd0293.pdf>, a former servicemember can request an upgrade of a discharge (e.g., general to honorable) or a change in the reason for discharge (e.g., from misconduct to Secretarial Authority), or both. The AFDRB cannot grant relief beyond these two areas. For other issues, the applicant must appeal to the AFBCMR. Applicants may choose between a non-personal appearance (NPA) or a personal appearance (PA), where he or she appears before the board either in person or by video teleconference. If NPA is chosen and relief is not granted, the applicant may resubmit an application for a PA.

The application forms outline how cases are processed. Processing times vary from case-to-case. At present, NPA cases receive a hearing between 60 and 90 days following AFDRB's receipt of applications. Delays for PA cases average from about two months in Washington, D.C., to at most 20 months at some of the regional hearing sites. The AFDRB cannot guarantee specific sites for annual board hearings other than the annual regional board hearing at Joint Base San Antonio, Texas. DRB sessions by video teleconference are effective and most cost beneficial for personal appearances.

CHAPTER 16

VETERAN AND RETIREE MATTERS

PERSONNEL RECORDS REQUESTS

The National Archives' Veterans Service Records website <http://www.archives.gov/veterans/military-service-records/> clarifies the process by which veterans or their next-of-kin may request military service records—regardless of date of separation or retirement from military service. Records that may be requested include Defense Department (DD) Forms 214, *Certificate of Release or Discharge from Active Duty*; separation documents; personnel records and/or medical and dental records. Instructions at the website outline how to submit a request online, by mail or by fax.

Veterans and the next-of-kin of deceased veterans who separated or retired on or after October 1, 2004, may also request copies of records such as DD Forms 214; performance reports; and other documentation by contacting the Air Force Personnel Center at:

AFPC/DPSIR

550 C St. West, Suite 19
JBSA-Randolph, TX 78150

Fax: 210-565-4021

E-mail: DPSOMP.INCOMING@us.af.mil

Individuals requesting their records must send a completed Standard Form 180, Request Pertaining to Military Records, <http://www.archives.gov/research/order/standard-form-180.pdf> or a letter that includes their name, full Social Security number, contact information, specific record requested and signature. Individuals requesting a deceased relative's record need to provide the above information, plus their relationship to the former Airman so that next-of-kin relationship may be verified. Proof of death must also be furnished.

Veterans and the next-of-kin of deceased veterans who separated or retired after October 1, 2004, may also access their records by registering for a free premium eBenefits https://www.ebenefits.va.gov/ebenefits-portal/ebenefits.portal?_nfpb=true&_nfxr=false&_pageLabel=ManageMyDocumentsMain account.

VA DISABILITY CLAIMS CONCERNING POST TRAUMATIC STRESS DISORDER (PTSD) AND AGENT ORANGE EXPOSURE

The Joint Services Records Research Center <https://www.rmnda.army.mil/jsrrc/RMDA-JSRRC-Division.html> conducts military records research in support of veterans' disability claims related to Post Traumatic Stress Disorder (PTSD) and Agent Orange exposure, as submitted to the Department of Veterans Affairs. While the Secretary of the Army is assigned responsibility as the DoD Executive Agent for the center's mission, the center's research is accomplished in direct support of the Department of Veterans Affairs, veteran service organizations, and individual veterans.

For more information, call (703) 428-6801 or fax inquiries to (703) 428-6743.

COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RETIREMENT DISABILITY PAY

Combat-Related Special Compensation (CRSC) and Concurrent Retirement Disability Pay (CRDP) <http://www.dfas.mil/retiredmilitary/disability/payment.html> are programs passed by Congress to allow eligible military retirees to receive additional monthly entitlements. The purpose of these entitlements is to recover some or all of the waived retired pay that was exchanged for VA disability compensation.

CRSC is payable for disabilities that are found to be related to combat, including disabilities that were incurred in actual combat, while engaged in hazardous service, in the performance of duty simulating war, training for combat or as a result of an instrumentality of war. The amount of CRSC payable is directly related to the evaluation(s) assigned to combat-related disabilities, but cannot exceed the amount of withheld retired pay. Retirees cannot receive benefits simultaneously under both CRSC and CRDP programs.

All questions should be directed to the administrator of CRSC and CRDP, the Defense Finance and Accounting Service at (800) 321-1080, option 1.

RETIREE ACCESS TO PRIVILEGES OVERSEAS

Status of Forces Agreements (SOFAs) provide active duty military members, their dependents, and certain full-time civilian employees of the U.S. military stationed overseas with various exemptions from host nation law, but seldom grant similar privileges to retired military members for access to exchanges, commissaries, banks, post offices and other U.S. military facilities overseas. Every country, including the U.S., carefully guards its right to control the flow of persons, goods, currency and mail into its territory, and to levy and collect taxes and customs duties. Fortunately, since the end of World War II, the U.S. successfully negotiated and concluded more than 96 permanent SOFAs with allied and friendly countries. These agreements grant members of the U.S. military forces and their dependents stationed in a particular host country certain privileges. Some examples are transportation of their household goods and privately-owned motor vehicles without the payment of customs duties, the right to purchase goods through U.S. exchanges and commissaries without the payment of local taxes and the right to use U.S. military postal facilities and banks.

These concessions are not for personal reasons, but because the military members, civilian employees, and their dependents are stationed temporarily in the foreign country for mutual defense. We convinced the host nations that these persons should not be subject to the additional burden of local customs duties and taxes and the U.S. should not be subject to increased defense costs through higher overseas cost-of-living allowances (COLAs). Moreover, in many places, customs, duties and taxes run extremely high. This could make it economically impracticable, even if the U.S. government absorbed part of the cost through COLAs or otherwise, to import household goods or private automobiles or to purchase U.S.-made goods locally from exchanges or commissaries.

SOFAs may grant partial relief from host nation laws. Consequently, host countries are sensitive to granting SOFA privileges because they provide exemptions not enjoyed by citizens of the host country to members of the U.S. forces and their dependents from local laws. In addition to tax and customs provisions, which include permitting U.S. control of the distribution of tax-free goods sold in U.S. exchanges and commissaries, SOFAs also contain other provisions of seminal importance, such as those concerning entry and exit formalities, criminal jurisdiction and claims.

In a larger context, SOFAs frequently form part of an agreement on military base rights or access providing for U.S. military presence in the host country.

Retirees living or traveling overseas are fully subject to host nation law unless they are also an employee of the U.S. military and have SOFA status in the host nation due to that employment.

Most SOFAs do not address retirees and most host nations view retirees as present in their country for personal reasons, having only an incidental and remote connection with the visiting force. Accordingly, Department of Defense and Service directives recognize that host nations may limit retirees' privileges and these directives align eligibility to patronize overseas exchanges, commissaries, banks and post offices within the provisions of applicable SOFAs. As SOFAs and implementing arrangements differ from host nation to host nation, the extent of these privileges may change depending on which country the retiree is located in.

The Air Force deeply appreciates the devoted service of its retired members and will continue to work on their behalf. On the other hand, we must conduct our operations overseas in full compliance with our international agreements with our friends and allies who permit us to operate in their countries.

VETERANS AFFAIRS (VA) DETERMINATION OF ACTIVE DUTY SERVICE OF CIVILIANS

Under the provisions of Section 106, Title 38, USC, civilians who served in the Armed Forces of the United States during a period of armed conflict may apply to have this period of employment considered as "active duty" for the purposes of all laws administered by the VA. The Air Force is responsible for expressing Department of Defense (DoD) views on this matter.

The law establishes the DoD Civilian/Military Service Review Board (C/MSRB) which reviews a group application and makes a recommendation on the active duty service determination to the Secretary of the Air Force, including its rationale for the recommendation. The Board reviews group applications only, not individual applications. The Board judges groups on the extent to which they were under the control of U.S. Armed Forces while rendering support. DoD Directive 1000.20, Determinations of Active Military Service and Discharge: Civilian or Contractual Personnel, describes criteria the C/MSRB uses to assess the extent of this military control.

Potential applicants should realize that since these applications are essentially claims against the government, the burden of proof rests with them. In addition, it is not possible to accept a group application for review unless the group seeking recognition has a clearly defined membership. This statute does not cover persons formerly in singularly unique employment circumstances (i.e., not part of a definable group).

After approval of a group application, members of the group may submit a DD Form 2168, Application for Discharge of Member or Survivor of Member of Group Certified to Have Performed Active Duty with the Armed Forces of the United States, to the appropriate Service, with evidence verifying their membership in the group, and thereby receive discharge documents. Federal Register notices and Public Affairs releases follow group approvals and outline these application instructions. After the Service verifies an individual's membership in a group, the Service will issue a discharge certificate which the individual, in turn, may present to their local DVA office for determination of benefits.

Individuals or representatives of interested organizations may write to the Secretary of the Air Force Personnel Council, 1535 Command Drive, EE Wing, 3rd Floor, Andrews AFB, Maryland

20762-7002, for a copy of DoD Directive 1000.20, which provides instructions for submitting a group application, or to request the status of group applications previously submitted.

MILITARY HONORS FOR INTERMENT

The rendering of Military Funeral Honors for an eligible veteran, free of charge, is mandated by law. An honor guard detail for the burial of an eligible veteran shall consist of not less than two members of the Armed Forces. One member of the detail shall be a representative of the parent Service of the deceased veteran.

Family members should request honors through their funeral director at the funeral home or crematory who is providing services to care for the veteran. In order for the funeral home or crematory to schedule Military Funeral Honors, the family will be required to provide the veterans final DD Form 214, Certificate of Discharge from Military Service, to establish eligibility. The funeral director can receive assistance in the scheduling of honors in two ways:

(1) Log onto the Department of Defense Military Funeral Honors website: <https://www.dmdc.osd.mil/mfh>; click on the Funeral Directors' Information tab (located on the left side menu); select the branch of service and state for which Military Funeral Honors is being sought and click Submit; a list of counties will be displayed with corresponding numbers to be called to arrange honors directly with the base with responsibility for that geographic area.

(2) Call the Air Force Mortuary Affairs Operations Center at (800) 531-5803. They will provide the number of the nearest Air Force Installation Honor Guard that has the responsibility to support the Military Funeral Honors requested in the geographic area of the interment.

Honors at Arlington National Cemetery

Requests for honors at Arlington National Cemetery should be addressed to the Interment Office <http://www.arlingtoncemetery.mil/Funeral-Information/Scheduling-a-Funeral>. The Interment Office will review the request and the information provided to determine what honors the Air Force ceremonial guard is able to provide for that particular day. The Interment Office will give this information to the caller and will schedule the funeral service accordingly. The office is open Monday through Friday from 8:00 a.m. to 5:00 p.m. October through March, and 8:00a.m. to 7:00 p.m. April through September; the office may be reached at (877) 907-8585.

Arlington National Cemetery offers two interment options: ground burial or inurnment of cremated remains in Arlington's Columbarium. The funeral director or person(s) making the arrangements should contact the Interment Office at Arlington National Cemetery. The caller must supply the name of the deceased; branch of service, social security number, and, if existent, VA claim number(s); dates of enlistment and separation; last rank held; branch of service; dates of birth and death; and any awards received to qualify the veteran for ground burial. Except in the case of active-duty personnel and veterans retired from active duty, officials will require a copy of the last discharge document at the time of the request.

The Secretary of the Army, in accordance with law and the approval of the Secretary of Defense, issues regulations naming the categories of persons eligible for burial in Arlington National Cemetery. Because space is limited, burial at Arlington is restricted to a limited number of categories of those who served honorably in the Armed Forces. The categories are:

- a. Those who died on active duty.
- b. Those retired for disability or retired from active military service.

- c. Those retired from the Reserves upon meeting the following criteria:
 - 1. Reached age 60 and drawing retired pay.
 - 2. Served a period of active duty (other than for training).
- d. Veterans rated 30 percent or greater disabled on the day of discharge (or the following day) and the discharge was prior to October 1, 1949.
- e. Certain former POWs who died on or after November 30, 1993.
- f. Holders of the nation's highest military decorations (Medal of Honor, Distinguished Service Cross, Air Force Cross or Navy Cross, Distinguished Service Medal and Silver Star) or the Purple Heart.
- g. The spouse or unmarried minor (under 21) child of any of the above or of any person already buried in Arlington. An unmarried dependent student qualifies up to age 23.
- h. An unmarried adult child with a physical or mental disability acquired before age 21.
- i. The parents of an unmarried dependent child already buried in Arlington Cemetery.
- j. Provided the deceased meets certain special requirements, an honorably discharged veteran who is the parent, brother, sister or child of an eligible person already interred.

As in the case of ground interment, the Secretary of the Army issues regulations naming the categories of persons entitled to inurnment. The Columbarium is open to all persons who meet the criteria for ground burial. In addition, the following are eligible:

- a. Any former member of the Armed Forces whose last service terminated honorably.
- b. Certain Reservists/National Guard and ROTC members who die while on active duty, while training or on authorized travel or while hospitalized as the result of active duty, training or authorized travel.
- c. United States citizens who served honorably as a member of an Allied force during periods of war.
- d. Certain commissioned officers of the United States Coast Guard, the Geodetic Survey (now the National Oceanic and Atmospheric Administration), or the United States Public Health Service.
- e. The spouse or unmarried minor (21 or under) or permanently dependent child of any of the above or of any person already inurned in the Columbarium. An unmarried dependent student qualifies up to age 23.
- f. Individuals who possess a discharge document (DD Form 214) issued under Public Law 95-202.

The cemetery staff at Arlington National Cemetery will coordinate the military honors for services scheduled in Arlington.

Burial in National and Veteran Affairs Cemeteries

Burial benefits in a VA national cemetery include the gravesite, a headstone or marker, opening and closing of the grave and perpetual care. Many national cemeteries have columbarium or gravesites for cremated remains.

Veterans, service members and dependents are eligible for burial in a VA national cemetery. An eligible veteran must have been discharged or separated from active duty (characterization of discharge cannot be 'Dishonorable') and have completed the required period of service. Persons

entitled to retired pay as a result of 20 years' creditable service with a reserve component are eligible. A United States citizen who served in the armed forces of a government allied with the United States in a war may also be eligible. A 1997 law bars the VA from allowing the burial or memorialization of any veteran convicted of a federal or state capital crime in one of the VA national cemeteries or in Arlington National Cemetery.

Burial in a national cemetery is also available to spouses and minor children of eligible veterans and service members. If a surviving spouse of an eligible veteran marries a non-veteran, and death or divorce of the nonveteran terminated remarriage, the spouse is eligible for burial in a national cemetery.

People may not reserve gravesites in national cemeteries. Funeral directors or others making burial arrangements must apply at the time of death. The VA honors reservations made under previous programs. Cemeteries do not provide military honors but may make referrals to military units or volunteer groups. The National Cemetery System normally does not conduct burials on weekends. The VA will direct a weekend caller to one of three VA cemetery offices that remain open during weekends to schedule burials at the cemetery of the caller's choice during the following week.

CHAPTER 17

AIR FORCE PARTICIPATION IN PUBLIC EVENTS

POLICY

While Air Force Public Affairs (SAF/PA) is pleased to process any request for the participation of military assets and people in public parades, celebrations, fairs, football games and a host of other local activities, Air Force participation in public events must meet eligibility requirements as outlined on the related Defense Department forms and online at the appropriate request portals. It is impossible to support every request because there are only a finite number of Air Force bands, only so many flights scheduled and a limited number of displays available. For this reason, even if an event meets the DoD approval criteria and Air Force Public Affairs approves the event, insufficient operational resources may prevent support of the event. Memorial Day, Independence Day and Veterans' Day are three patriotic holidays for which demand exceeds supply.

AVIATION SUPPORT

U.S. Air Force Thunderbirds

The U.S. Air Force Thunderbirds, the Navy Blue Angels and the Army's Golden Knights are the official aerial demonstration teams of the Department of Defense. Because the annual air show season runs from mid-March through mid-November, these teams finalize their schedules by the preceding December and January. Changes or additions are rare and only occur with DoD approval. Requests for these units must reach the respective service's public affairs office points of contact by August 1 of the year before the event and must be made using the electronic Defense Department Form 2535, *Request for Military Aerial Support*, on the U.S. Air Force Aerial Events website <http://www.airshows.pa.hq.af.mil/>.

If an event organizer waits until February or March to request the Thunderbirds for July 4th of the same year, there will be no chance of securing the demonstration team because the team's schedule for all major holidays was finalized in the preceding year. The Thunderbirds will schedule on a two-year schedule beginning with the 2016 season; requests for air shows in 2016 and 2017 will be due by August 1, 2015.

Requesters must understand that, as stated on the reverse side of DD Form 2535, there is a fee for appearances by the jet teams. Further information on the scheduling of these units may be obtained by contacting the SAF/PA Engagement Division at (703) 695-9664 or by visiting the U.S. Air Force Aerial Events website <http://www.airshows.pa.hq.af.mil/>.

Air Shows, Flyovers and Static Displays

To initiate a request for an Air Force flyover, air show static display and/or tactical aircraft or parachute demonstration, the requester or sponsoring organization must complete and sign the electronic Defense Department Form 2535, *Request for Military Aerial Support*, on the U.S. Air Force Aerial Events website <http://www.airshows.pa.hq.af.mil/>; the "owner" of the event site must certify the form; and the local Federal Aviation Administration (FAA) Flight Standards District Office (FSDO) must approve the event before the request may be submitted to the SAF/PA via

fax number (703) 693-9601 or via e-mail: usaf.pentagon.saf-pa.mbx.saf-pa-rss-aerial@mail.mil. Request procedures and additional information may be found at the U.S. Air Force Aerial Events website <http://www.airshows.pa.hq.af.mil/> or by calling the Aerial Events program manager at (703) 695-9664.

FAA coordination is not required for aerial events in Canada or for requests for static displays only. The local FAA FSDO's contact information may be found in a local phone directory under "government" or via the Federal Aviation Administration's FSDO locator website http://www.faa.gov/about/office_org/field_offices/fsdo/.

Requests should be submitted at least 45 days in advance of an event to allow requesters adequate time to seek and secure operational support if the request is approved. SAF/PA will not consider requests received within 14 days of the event nor will it consider incomplete forms.

SAF/PA does not schedule specific aircraft or units for events; SAF/PA approves the event itself for potential operational support. It is the requester's responsibility to coordinate the possible participation of Air Force, Air Force Reserve and Air National Guard flying units once SAF/PA grants eligibility approval. A definitive resource for flying unit locations, aircraft type by unit and installation phone numbers is available at the U.S. Air Force Aerial Events website <http://www.airshows.pa.hq.af.mil/>.

After eligibility approval, SAF/PA posts the event and sponsor information to the U.S. Air Force Aerial Events website <http://www.airshows.pa.hq.af.mil/>. This site serves as the official source for approved events for aircrews, scheduling coordinators and public affairs offices for all active duty Air Force, Air Force Reserve and Air National Guard flying units. Requesters are solely responsible for notifying the Air Force Aviation Support Office if and when the event's date changes or the event is cancelled in order that the information provided to system users can be updated. All exception-to-policy events will be removed from the website seven days before the event date if a unit has not already volunteered to support the event.

Once a requester has secured a unit(s) to support his or her event, it is his or her responsibility to ensure the Air Force Aviation Support Office is aware of the volunteer flying unit. Requesters must recognize that "real-world" contingency and/or training requirements take precedence over public affairs events and any aircraft assets "promised" may very well be required to perform assigned taskings and, therefore, may be subject to non-availability at the last moment.

With the February 23, 1998, transfer of approval authority and responsibility from the Office of the Assistant Secretary of Defense for Public Affairs to each military service's public affairs office, Air Force Public Affairs can only consider events for potential Air Force support. To request Navy support, please call (901) 874-5803 or fax to (901) 874-5813. For Army requests, call (703) 614-9039 or fax to (703) 695-6253. For Marines requests, call (703) 692-7434 or fax to (703) 614-2358. For both Army and Air National Guard requests, call (703) 607-2582 or fax (703) 607-3680.

SAF/PA approves only those requests for potential Air Force operational support that adhere to Defense Department policy. The Air Force can only approve aviation support requests for dedicated observational events held within a week of the five patriotic holidays (Veteran's Day, POW/MIA Day, Armed Forces Day, Independence Day and Memorial Day) or for aviation-related events, such as air shows, airport dedications or fly-ins. This does not mean, for example, that you can request a flyover for a non-ceremonial event on July 2 by justifying the request based on the fact it falls within seven days of one of the DoD-approved patriotic holidays. The event itself must be one in which an Air Force flyover contributes immeasurable meaning.

Any aviation support request that does not meet DoD approval criteria may meet the criteria for an exception-to-policy as a one-time-only event, provided sufficient rationale exists. The Secretary of the Air Force must approve such requests, through appropriate chain-of-command channels, including Secretary of the Air Force Office of Public Affairs. Examples of exceptional events include the Superbowl and World Series, major NASCAR racing events, other professional sporting events as well as significant recruiting events. The following events, however, will not be considered for aviation support:

Events after the end of evening civil twilight and before the beginning of morning civil twilight;

- Events closed to the public or by invitation-only (company picnics, individual fundraising events, etc.);
- Fundraising or charity events;
- Political events (support to candidates, rallies, etc.);
- Movie premieres;
- Combined Federal Campaign (CFC) events;
- High school or elementary school events (exception: Wings of Blue demonstrations and rotary static displays at primary and secondary schools and high school state football championship games will be determined on a case-by-case basis);
- Religious events;
- Little League games (exception: World Series in Williamsport, PA, may be supported);
- Endorsements of specific organizations/industries (i.e. agricultural expo);
- Grand openings/dedications (without direct military tie);
- Amusement park and casino events;
- Single-industry events (i.e. civic only);
- Graduations (not military-related);
- Individual Boy Scout/Girl Scout events (exception: national Jamboree may be supported);
- Fairs, festivals and parades not directly tied to local community relations or not state-sponsored;
- Patriot Day events that are not directly connected to a military appreciation event; and
- Concerts not in direct support of a military appreciation event.

Note: this list is not all-inclusive.

Funeral Flyovers

Funeral flyovers are authorized if the deceased is an active duty or currently serving reserve or Air National Guard (ANG) rated officer or Career Enlisted Aviator (CEA). Additionally, active duty or currently serving reserve or ANG non-rated officers, non-CEAs and operations support flyers are eligible if death occurs in the line of duty while performing aviation duties. Furthermore, concerning retired personnel: three and four-star generals; Chief Master Sergeants of the Air Force; recipients of the Medal of Honor or Air Force Cross; Prisoners of War; and aviators who have achieved at least one or more officially recognized aerial victories are authorized funeral flyovers without an exception to policy. The Assistant Vice Chief of Staff of the Air Force considers requests for exceptions to policy on a case-by-case basis based on appropriate use of limited resources, and typically approves only those for service marked by valor or heroism, and those

that have significantly impacted the aviation community or aviation history. The deceased is entitled to only one flyover.

The request for the funeral flyover must be initiated by the next-of-kin (spouse if married; otherwise parents, children, siblings or proxy) and should normally be sent to the servicing base Mortuary Affairs office or the Air Force Mortuary Affairs Office, accessible at (800) 531-5803 or via e-mail at AFMAO.ma@us.af.mil. Mortuary affairs staff will require proof of military service (DD Form 214 or similar discharge documentation recording the individual's honorable discharge, rank and decorations); a letter from next-of-kin requesting the flyover; and biographical information of the individual's service (including commands and significant acts or service to the Air Force and the country) to provide proper protocol.

BAND SUPPORT

Bands, Marching Units, Exhibits and Equipment Displays

Bands, marching units, exhibits and equipment displays may be requested through DoD or directly from the military services. Those requesting the support of an Air Force Band must submit requests using the electronic DD Form 2536, *Request for Armed Forces Participation in Public Events (Non-Aviation)*, on the Air Force Outreach Request System website <http://www.outreachrequests.hq.af.mil/PublicSite/index.cfm?fwa=home>; request procedures and additional information may be found at this website. The Outreach Request System—used to request Air Force bands only—requires specific information about the event to allow for proper evaluation and processing of the request. The requester should be prepared to defray costs as indicated.

It is important to plan ahead and submit band-related requests at least 90 or 120 days in advance of the event, or sooner if possible. However, submitting a request early does not guarantee support. Bands cannot operate on a “first-come, first-served” basis because they must first schedule all civilian performances around deployments, official military events, training and so forth; many of these events are not finalized until shortly before they occur. A word of caution: some short-notice military requirements may take precedence over civilian commitments, resulting in last-minute non-availability.

As concerns band exhibits and equipment displays, the Air Force has very limited resources, with the exception of a few displays produced by Major Commands and the Air Force Recruiting Service. Constituents should contact the Air Force recruiter in their local area for information on displays. Requests ought to be submitted as early as possible because the units finalize their display schedule six months in advance. While marching units may be highly sought for parades, in the majority of instances, the only support that can be made available is a color guard. Persons can request color guards directly from their local installation.

Air Force musical units may perform musical programs in the public domain as prescribed by Department of Defense guidelines. DoD does not normally authorize more than one band or other musical unit for a parade in the civilian domain; this is intended to assure widest possible participation in public events of local interest, particularly around national holidays. In addition, by public law, any performance must not place military musicians in competition with professional civilian musicians. For instance, bands can perform background, dinner, dance or other social music for official United States Government functions but cannot provide the same for most civilian-sponsored events. The specific programs that bands may provide for civilian audiences are concerts, parades or short opening or closing patriotic presentations. In the latter

case, musical selections normally consist of a medley of military or patriotic songs and music to accompany the presentation of colors by a color guard.

Musical units may provide patriotic presentations at official nonpartisan government and civic functions. Official government functions include those in which senior officials of the federal government are involved in the performances of their official duties. Official civic functions include such state, county or municipal events as inaugurations, dedications of public buildings and projects, the convening of legislative bodies and ceremonies for officially invited government visitors. Additionally, musical units may provide patriotic presentations at national conventions of designated national military and veterans associations.

Air Force bands, drill teams and other units can normally participate at no cost to the sponsor if the event is within the installation's or unit's immediate community relations area. For bands, this is a multi-state area; however, for other units the area is approximately a 50-mile radius.

Air Force units may not participate when:

- The event directly or indirectly endorses or selectively benefits or favors (or appears to do so) any private individual, commercial venture, sect, fraternal organization or political group, or if it is associated with the solicitation of votes in a political election;
- Admission, seating and other accommodations or facilities are restricted in any manner with regard to race, color, creed, national origin or sex;
- The sponsoring organization or group excludes any person from its membership or practices any form of discrimination in its functions based on race, color, creed, national origin or sex;
- An admission charge is levied on the public primarily to see participation by an Air Force unit; or
- There is fund-raising connected with the event.

Event sponsors must agree to reimburse the Air Force for transportation and per diem if participation is authorized, ensuring "no additional cost to the government."

All participation in international and national events for Air Force units based in Washington, D.C., should be addressed to the:

11th Operations Group/CCS
20 MacDill Boulevard, Suite 100
Joint Base Anacostia-Bolling
Washington, D.C., 20032-0201.

Participation by Air Force units assigned outside the Washington, D.C., area is within the authority of local military commanders, and requesters should submit their requests for support directly to the Public Affairs Office at their local military installation.

Air Force Bands

A current list of both active duty Air Force and Air National Guard Bands may be found at <http://www.bands.af.mil/bands/>.

CHAPTER 18

MISCELLANEOUS MATTERS

AIR FORCE WORLDWIDE LOCATOR

The Air Force Worldwide Locator <http://www.afpc.af.mil/library/airforcelocator.asp> may assist individuals to locate service members who are currently receiving compensation from the U.S. Air Force (active duty, Guard, Reserve and retired personnel). Customer service professionals are available at (210) 565-2660 Monday through Friday, 7 a.m. to 4 p.m. CST.

If the sought-after individual has separated from the Air Force, no information is available. Public law prohibits the Locator from releasing address information. However, the Locator can forward a letter to the individual upon request. If this service is desired, then place the letter to be forwarded in a sealed envelope with a return address, affix postage and the individual's name in the addressee portion of the envelope. Place the envelope to be forwarded in a larger envelope, along with the request to forward the letter. To establish a positive identification, the Locator requires information such as the member's rank, full name, including middle initial, service number or social security number, date of birth, unit of assignment, base, and month and year of assignment after June 1970 (no assignment information is available prior to 1970).

The Department of Defense has established a research fee of \$3.50 per name. Active duty military, Reserve, and Guard members, with proper identification, are exempt from the fee. The Locator also provides a Statement or Verification of Service used to substantiate an individual's service in the Air Force. The fee for this service is \$5.20 per name. Make the check or money order payable to "DAO-DE RAFB" and mail it to the Locator with the request.

TRANSPORTATION MATTERS

Space-Available Travel

Section 2648, Title 10, USC, is the legal basis for the Space-Available (Space-A) program, and Department of Defense Instruction (DoDI) 4515.13 (Air Transportation Eligibility) outlines DoD policy. According to this regulation, Space-A travel is a privilege (not an entitlement) which accrues to uniformed services members as an avenue of respite from the rigors of their duty. Retired uniformed services members are given the privilege in recognition of a career of such rigorous duty and because they are eligible for recall to active duty. The underlying criteria for extending the privilege to other categories of passengers is their support to the mission being performed by uniformed services members and to the enhancement of active duty service members' quality of life.

While the Air Force greatly values the contribution of every veteran, and their families, especially those who have sacrificed in the service of their country, we do not support granting the Space-A privilege to new categories of travelers. Several repeated questions arise concerning Space-A privileges: (1) DoD policy does not permit unrestricted, unaccompanied dependent travel; (2) Space-A travel is a privilege and DoD has not authorized retired reserve members or their dependents to travel overseas until the retired member reaches age 60; (3) aircraft and associated support equipment are designed primarily for specific mission requirements. As such, accommodations are extremely limited for disabled travelers; (4) for all categories, mission

requirements can divert the aircraft to unexpected destinations, which could place the travelers in austere areas, with limited or no assistance.

Numerous individuals and organizations frequently seek to use Space-A travel and ask for an expansion of the groups eligible to participate in the Space-A travel program, including widows of deceased military retirees, 100 percent medically disabled veterans, veterans not retired from the service and others. All such requests have merit in their own right and are reviewed on a case-by-case basis. Expanding the pool of eligible members would diminish the travel opportunity for active duty members—the primary beneficiaries of the program.

The office of primary responsibility for the DoD Space-A program is the Office of the Asst Under Secretary of Defense, Transportation Policy (OASD/TP), and in coordination with the military components provide oversight for the policy. In today's fiscally challenged environment, the entire space-available program, including both seats on aircraft and air terminal functions necessary to support travel, is resource constrained. These constraints prevents considerations for extending space-available travel privileges to disabled veterans (regardless of their disability rating), or to others, since it could overtax present resources and diminish the limited benefit currently available to active duty personnel and their families. It also would impact our ability to effectively accomplish airlift mission support activities with the heavy operational demands placed on our air mobility forces.

Humanitarian Airlift

Section 2551, Title 10, USC, authorizes Humanitarian Airlift. Section 2551 provides DoD the authority to conduct humanitarian assistance operations worldwide and to transport DoD non-lethal excess property and humanitarian assistance materials donated by non-governmental organizations, international organizations and private voluntary organizations for humanitarian relief. This authority also provides for the actual cost of commercial transportation and the payment of any associated DoD administrative costs incurred. DoD currently administers two programs that arrange transportation for privately donated cargo to foreign countries at no cost to the donor.

The Denton Amendment applies only to humanitarian cargo donated to international relief efforts. This specifies that DoD assets may carry validated humanitarian cargo internationally on a space available (opportune) basis. The Air Force will only transport the cargo if the destination will coincide with germane Air Force mission objectives. Transportation of the cargo may take several months, depending on the destination and space availability on U.S. military transports. There is a requirement to have a minimum of 2,000 pounds of cargo and the Air Force must transport the cargo on a non-interference basis. The Department of State (DoS), DoD and the Agency for International Development (AID) jointly administer the Denton Program. AID receives and processes the applications. The AID point of contact may be reached at (202) 712-4810, or by fax at (202) 216-3524.

The DoD Funded Transportation Program is a commodities transportation program. The DoS and the DoD jointly administer the DoD Funded Transportation program. The Funded Transportation Program offers transportation specifically scheduled and funded by DoD to destinations approved by the DoS. The program received its funding from the DoD appropriation for Overseas Humanitarian, Disaster and Civic Aid. The transportation provided is primarily by truck and ship in whole container loads (1,200 cubic foot minimum). The point of contact for requests under this program is the DoS Bureau of Political-Military Affairs. You may reach that

office at (202) 647-4111 or by fax at (202) 647-4055. You may access more information on the Funded Transportation Program at the following homepage: <http://dentonfunded.ohasis.org/>.

Aeromedical Transportation

The Secretary of Defense has designated the United States Transportation Command (USTRANSCOM) to coordinate movement of United States Uniformed Services members to receive appropriate medical care. Assets used for this purpose include specialized, fixed- and rotary-wing aircraft, land transportation, and sea-going vessels, as is appropriate and cost effective. The Global Patient Movement Requirements Center (GPMRC) at Scott AFB, Illinois, is responsible for coordinating all continental United States (CONUS) patient movement. Theater Patient Movement Requirements Centers (TPMRCs) in Europe and the Pacific coordinate overseas patient movement.

The Economy Act (Section 686, Title 31, USC) provides that any non-DoD United States Government agency may purchase services, including aeromedical transportation, from the Air Force if funds are available and the service provided is in the best interest of the government. The Air Force may also provide aeromedical transportation services for United States civilians in certain circumstances. Since the system can provide only a limited amount of support, we reserve its use exclusively for the most critically ill and only when no alternative means of movement are available.

The DoD, in complying with Section 1535, Title 31, USC, prohibits competition with the commercial transportation industry. The Air Force may not provide aeromedical transportation to move terminally ill patients, to respond to requests based solely on a lack of funds, for personal or family convenience or for medical experimentation.

Aeromedical repatriation of United States citizens from overseas to the United States under other than lifesaving circumstances may also be provided when: (1) the DoS requests the transportation, certifying it to be in the national interest; (2) commercial transportation is neither available nor suitable for meeting the requirements; (3) the patient is medically validated by the theater surgeon for intra-theater moves and by GPMRC for movement into the CONUS; and, (4) the DoS provides a billing address. The USTRANSCOM provides movement of non-DoD eligible patients on a reimbursable basis. Charges are determined based on the circumstances of the move and the type of aircraft used.

In every case of citizen repatriation from overseas, the State Department's Citizens Emergency Services function (202) 647-5225 is the primary point of contact. The Air Force may provide aeromedical support only after the State Department has completed its actions and requested aeromedical support from the Air Force.

USTRANSCOM participates in patient movement support for catastrophes and local disasters within the United States not qualifying for national disaster relief. These are catastrophes or disasters causing numerous casualties, which require specialized medical care, or which saturate medical facilities in the immediate vicinity and require emergency movement to save lives. The Federal Emergency Management Agency shall initiate requests for movement during disasters in CONUS.

Air Transportation of Non-DoD Materiel

DoD Directive 4500.09E, Transportation & Traffic Management, E4.3.1, allows use of DoD transportation resources to move non-DoD traffic only "when the DoD mission shall not be impaired and movement of such traffic is of an emergency, lifesaving nature, specifically

authorized by statute, in direct support of the DoD mission, or requested by the Head of an Agency of the Government under Title 31, USC, Sections 1535 and 1536 (reference (w)).”

If a constituents request for transportation does not fall under any of these criteria, there are a number of options that can be pursued: (1) contact USAID Denton Amendment Program Office (see Humanitarian Airlift paragraph below), (2) contact commercial airlines or surface carriers to determine if they can provide non-reimbursable transport, or (3) contact a service organization such as the United Services Organization <http://uso.org/> or Operation America Cares (<http://www.operationamericacares.org/>) for movement of “care packages” to military men/women serving abroad. They may also wish to contact another federal agency for sponsorship or transportation funding assistance. DoD cannot provide free transportation for non-DoD entities with the limited exception of Humanitarian lift IAW 10 USC 402 (Denton cargo).

UFO-RELATED INQUIRIES

The Air Force no longer conducts UFO investigations. For 22 years (from 1947 to 1969), the Air Force investigated UFOs under Project Blue Book, at Wright-Patterson Air Force Base, Ohio. Of the 12,618 sightings reported to Project Blue Book, only 701 remained “unidentified.” The Project concluded: that no UFO reported, investigated and evaluated by the Air Force was ever an indication of threat to our national security; that there was no evidence submitted to or discovered by the Air Force that sightings categorized as “unidentified” represented technological developments or principles beyond the range of modern scientific knowledge; and that there was no evidence indicating that sightings categorized as “unidentified” were extraterrestrial vehicles.

Since the termination of Project Blue Book, nothing has occurred to support resuming UFO investigations. Because of steadily decreasing budgets, the Air Force is unlikely to become involved in such a costly project in the foreseeable future.

The Air Force transferred its documentation regarding the project to the U.S. National Archives & Records Administration where it is available for public review and analysis. The public should address inquiries in one of the following ways:

- a. E-mailing: inquire@nara.gov
- b. Visiting: www.archives.gov
- c. Writing: U.S. National Archives & Records Administration - Textual Archives Services
Division, Modern Military Records Branch, 8601 Adelphi Road, College Park, MD, 20740-6001.
- d. Calling: (301) 837-3510

Regarding the “Roswell incident,” since the publication of the report entitled *Roswell Report: Case Closed*, the Air Force no longer responds to inquiries about this issue. The report fully explains the Air Force position on the incident. We cannot provide a copy of the report to constituents because of the prohibitive cost. Constituents who want a copy of the report may contact the Government Printing Office (GPO) at (202) 512-0000, or write the GPO c/o the Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250. The report is 231 pages long.

There are a number of universities and professional scientific organizations that have considered UFO phenomena during periodic meetings and seminars. “Gale’s Encyclopedia of Associations” lists private organizations interested in aerial phenomena. Interest in and timely review of UFO reporting by private groups ensures the scientific community does not overlook sound evidence. We recommend those wishing to report UFO sightings contact their local law enforcement agencies.

SURPLUS AIRCRAFT FOR MUSEUM AND STATIC DISPLAY USAGE

Static display aircraft promote the history, heritage and traditions of the Air Force. They can commemorate an Air Force-related individual, event, site or organization. The U.S. Air Force (USAF) evaluates, certifies and inspects recipients to ensure that items are properly placed and cared for while on loan.

In accordance with Section 2572, Title 10, United States Code (USC), the Secretary of the Air Force may lend surplus combat aircraft to:

- a. A municipal corporation, county, or other political subdivision of a State.
- b. A servicemen's monument association.
- c. A museum, historical society, or historical institution of a State or a foreign nation or a nonprofit military aviation heritage foundation or association incorporated in a State.
- d. An incorporated museum or memorial that is operated and maintained for educational purposes only and the charter of which denies it the right to operate for profit..
- e. A post of the Veterans of Foreign Wars of the United States or of the American Legion or a unit of any other recognized war veterans' association.
- f. A local or national unit of any war veterans' association of a foreign nation which is recognized by the national government of that nation (or by the government of one of the principal political subdivisions of that nation).
- g. A post of the Sons of Veterans Reserve.

The National Museum of the United States Air Force (NMUSAF), located at Wright-Patterson AFB, OH, executes the provisions of Section 2572, Title 10, USC, including management of all Air Force static display aircraft loans. Department of Defense (DoD) Manual 4160.21M (Defense Disposition Manual) and U.S. Air Force Instruction 84-103 (U.S. Air Force Heritage Program) contain supplemental policies, guidance and procedures.

All prospective borrowers must first meet certification eligibility requirements as set forth in the NMUSAF Certification Program instructions.

In its decision-making process, a potential borrower must be aware of certain issues and consider the ongoing financial and preservation responsibilities it will incur before submitting a request for loan of an aircraft.

Aircraft are only made available via the loan program when all USAF, DoD and Federal Agency requirements have been satisfied. This means, even if a recipient meets the approval criteria and NMUSAF certifies the borrower, insufficient resources may prevent support of the display.

Surplus aircraft will be used for static display purposes only. Surplus aircraft will not be flown or restored to flying condition under any circumstance, nor will they be licensed with the Federal Aviation Administration (FAA). Surplus aircraft will not be treated as toys or substitutes for playground equipment.

In accordance with provisions of the law, the DoD cannot incur any expenses relating to loaned display aircraft. Aircraft are made available on an "as is-where is" basis. The borrower is responsible for all costs, charges and expenses incident to the loan, including the cost of preparation, demilitarization, hazardous material removal, disassembly, packing, crating, handling, maintenance, repair, restoration, transportation and all other costs incidental to the movement to and re-assembly at the borrower's location.

If approved to receive an Air Force aircraft, borrowers will have to adhere to DoD and USAF expectations. They should recognize they will incur a significant maintenance and monetary responsibility, including but not limited to annual upkeep, periodic painting, repair of damage, day-to-day care, as per the terms of the Loan Agreement they would sign with the NMUSAF on behalf of the USAF. Borrowers are liable for the aircraft while in their possession and must maintain sufficient liability and casualty insurance. Specific responsibilities are implemented through a signed annual loan agreement.

Additionally, borrowers should consider the amount and location of land available for the static display, making sure it is suitable for the aircraft they wish to acquire and the memorial they wish to establish.

For more information about surplus aircraft for static display, please contact:

National Museum of the U.S. Air Force

1100 Spaatz Street

Wright-Patterson Air Force Base

OH 45433-7102

Civilian Museum Certification Program

(937) 255-4692

Civilian non-Museum Organizations Static Display Program

(937) 255-4770

<http://www.nationalmuseum.af.mil/>

AIR FORCE JUNIOR RESERVE OFFICER TRAINING CORPS (AFJROTC)

The purpose behind the Air Force Junior Reserve Officer Training Corps (AFJROTC) Program <http://holmcenter.com/index.php?menu=JROTC> is derived from Public Law, Title 10. The program instills in students in United States secondary education institutions the values of citizenship, service to the United States, an acceptance of personal responsibility, and a sense of accomplishment. The program's mission is to, "Develop Citizens of Character Dedicated to Serving their Nation and Community." Air Force Junior ROTC is a robust citizenship program with a wide variety of curricular and extra-curricular activities that enhance team building, character development, and citizenship education. The program explores the historic and scientific aspects of aerospace technology and teaches high school students self-reliance, self-discipline and other characteristics of sound citizens and leaders. Students who participate in the program do not incur any obligation to the Air Force. The Air Force Junior ROTC program is open to all young citizens of the United States who are in school above the 8th grade level.

