

## SUBCHAPTER I—MILITARY PERSONNEL

### PART 881—DETERMINATION OF ACTIVE MILITARY SERVICE AND DISCHARGE FOR CIVILIAN OR CONTRACTUAL GROUPS

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APPENDIX A TO PART 881—GLOSSARY OF TERMS

AUTHORITY: 38 U.S.C. 106.

SOURCE: 64 FR 33400, June 23, 1999, unless otherwise noted.

#### § 881.1 Applying for discharge.

(a) Who may apply.

(1) You may apply for discharge if you were a member of a recognized group. A spouse, next of kin, or legal representative may apply on behalf of a deceased or mentally incompetent person. Proof of death or mental incompetency must accompany such an application.

(b) Where to apply.

(1) Send your application for discharge to the Directorate of Personnel Program Management, Separations Branch, HQ AFPC/DPPRS, 550 C Street West, Suite 11, Randolph AFB, TX 78150-4713.

(c) How to apply.

(1) Fill out 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 U.S.*, or write a letter.

(2) Obtain DD Form 2168 from HQ AFPC/DPRS, 550 C Street West, Suite 11, Randolph AFB, TX 78150-4713 or the National Personnel Records Center (NPRC), 9700 Page Boulevard, St. Louis, MO 63132.

(3) Make your application as complete as possible; the burden of proof is on you. Provide all available evidence to document your membership in the group and what services you performed.

(d) Documentation may include:

- (1) Flight logbooks.
- (2) Separation or discharge certificates.
- (3) Mission orders.
- (4) Identification cards.
- (5) Contracts.
- (6) Personnel action forms.
- (7) Employment records.
- (8) Education certificates and diplomas.
- (9) Pay vouchers.
- (10) Certificates of awards.
- (11) Casualty information.

(e) The Air Force will not under any circumstances provide or pay for legal representation for you.

#### § 881.2 Screening the applications.

(a) HQ AFPC/DPPRS reviews your application and does one of the following:

(1) Refers your application to another military department and sends you a written notice or a copy of the referral letter.

(2) Returns your application without prejudice if the Secretary of the Air Force has not determined whether members of your group are certified for discharge. You may resubmit the application after the Secretary determines that your group is certified.

(3) Refers applications made by a group (or individuals on behalf of a group) to the Secretary of the Air Force, Manpower, Reserve Affairs and Installations, Personnel Council (AFPC), The Pentagon, Washington, DC 20330 for further review. This part does not cover such applications.

(4) Returns the application to you if it is complete.

(5) Refers all complete applications to the Individual Service Review Board for further consideration.

#### § 881.3 Individual Service Review Board.

(a) The Commander, Headquarters Air Force Personnel Center (HQ AFPC/CC) establishes the Individual Service Review Board as necessary.

(b) The Board consists of military members in grade Lieutenant Colonel or higher, and civilian members, grade

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GS-12 or higher, appointed by the HQ AFPC/CC. Three members constitute a quorum. The senior member acts as Board chairperson. A nonvoting member keeps a record of the Board's actions on an application.

(c) The Directorate of Personnel Program Management, Separations Branch, HQ AFPC/DPPRS, 550 C Street West, Suite 11, Randolph AFB, TX 78150-4713, provides administrative support to the Board.

#### § 881.4 Processing the application.

(a) Individual Service Review Board meets in closed session to consider the application, the evidence submitted, and other relevant information. Applicants or their representatives do not have the right to appear before the Board.

(b) The Board:

(1) Evaluates the evidence.

(2) Decides whether the applicant was a member of a recognized group during dates of its qualification.

(3) Decides whether to approve the application for discharge.

(4) Determines the period and character of the applicant's service.

#### § 881.5 If an application is approved.

(a) If the Board approves an application for discharge and determines that it should be honorable, HQ AFPC/DPPRSO issues the applicant a DD Form 256AF, Honorable Discharge, and a DD Form 214, *Certificate of Release or Discharge from Active Duty* under AFI 36-3202, *Separation Documents* (formerly AFR 35-6).

(b) Enter a military grade on the DD Form 214 only if the Administrator of Veterans' Affairs requests it.

(c) Enter a pay grade on the DD Form 214 only for individuals who were killed or received service-related injuries or disease during the approved period of service. For proof of grade criteria, see DoD 1000.20, *Determinations of Active Military Service and Discharge Civilian or Contractual Personnel*, section E, paragraph 3g.

(d) If the Board approves an application for discharge but determines that it should be "under honorable conditions" (general discharge), it forwards the case to the Air Force Personnel Council (AFPC) for final decision. HQ

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AFPC/DPPRSO, 550 C Street West, Suite 20, Randolph AFB, TX 78150-4722, then issues the appropriate discharge certificate and a DD Form 214 to the applicant.

(e) To appeal the characterization of a discharge, submit DD Form 149, *Application for Correction of Military Record Under the Provisions of Title 10, U.S.C., Section 1552*, to the Secretary of the Air Force through the Air Force Review Boards Office (SAF/MIBR).

(f) If the member dies or is declared missing during the period of equivalent active military duty, the Directorate of Casualty Matters (HQ AFPC/DPW) issues DD Form 1300, *Report of Casualty*, including military pay grade, to the next of kin or a designated representative, according to DODI 1300.18, *Military Personnel Casualty Matters, Policies and Procedures*, and AFI 36-3002, *Casualty Services* (formerly AFR 30-25).

#### § 881.6 If an application is denied.

(a) Once the Board has decided your case, HQ AFPC/DPPRS notifies you:

(1) If the Board denied your application for discharge because there is insufficient evidence to show that you belonged to a qualifying group.

(2) If the Board determines that your service cannot be characterized as "under honorable conditions."

(b) You have 60 days from the date of this notice to submit additional evidence or information to HQ AFPC/DPPRS, 550 C Street West, Suite 11, Randolph AFB, TX 78150-4713.

(c) If after 60 days you have submitted new evidence, the Board reviews the case again. If the Board determines that your application now merits approval, it proceeds according to paragraph (e).

(d) If you do not submit additional evidence or if, after review, the Board determines that your application should be denied, it forwards the case to the AFPC for final decision.

(e) HQ AFPC/DPPRS notifies you of the final decision.

(f) If your application is denied, the Board returns it to you without prejudicing any later consideration.

#### § 881.7 Discharge upgrade.

If you are approved for a General Discharge, you may apply to the Air Force

Discharge Review Board for discharge upgrade under AFI 36-3201, *Air Force Discharge Review Board* (formerly AFR 20-10) or to the Air Force Board for Correction of Military Records under AFI 36-2603, *Air Force Board for Correction of Military Records* (formerly AFR 31-3). SAF/MIBR provides copies of these instructions and application forms to individuals who received a General Discharge.

#### § 881.8 Disposition of documents.

(a) File a copy of the application, supporting evidence, and DD Form 214 in the Master Personnel Records Groups maintained at the National Personnel Records Center, St. Louis, MO 63132, for approved cases. Send copies of DD Form 214 to:

- (1) The applicant.
- (2) The Veterans' Administration.
- (3) HQ AFPC/DPPRS, 550 C Street West, Suite 11, Randolph AFB, TX 78150-4713.

#### § 881.9 Form prescribed.

The following form, DD Form 2168, *Application for Discharge of Member or Survivor of Member of a Group Certified To Have Performed Active Duty With the Armed Forces of the U.S.*, is required for processing the stated claims.

#### APPENDIX A TO PART 881—GLOSSARY OF TERMS

*Active Military Service*—See 38 U.S.C. 106.

*Civilian or Contractual Group*—An organization whose members rendered service to the U.S. Air Force or a predecessor organization during a period of armed conflict. In that capacity the members were considered civilian employees with the Armed Forces or contractors with the U.S. Government, providing direct support to the Armed Forces. An example of such a group is the Women's Air Force Service Pilots, who were Federal civilian employees attached to the U.S. Army Air Force during World War II.

*Discharge*—Complete severance from the active military service. The discharge includes a reason and characterization of service.

*Recognized Group*—A group whose service the Secretary of the Air Force has determined was "active duty for the purposes of all laws administered by the Department of Veterans' Affairs," such as VA benefits under 38 U.S.C. 106.

### PART 884—DELIVERY OF PERSONNEL TO UNITED STATES CIVILIAN AUTHORITIES FOR TRIAL

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AUTHORITY: 10 U.S.C. 814; 10 U.S.C. 8013; Sec. 721(a), Pub. L. 100-456, 102 Stat. 2001.

SOURCE: 65 FR 64348, Oct. 27, 2000, unless otherwise noted.

#### § 884.0 Purpose.

This part establishes procedures for making Air Force members, civilian personnel, and family members available to U.S. civilian authorities for trial or specified court appearances. It implements 32 CFR part 146. This part does not confer any rights, benefits, privileges, or form of due process procedure upon any individuals.