

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 95-00441

[REDACTED]
[REDACTED]
COUNSEL: None

HEARING DESIRED: Yes

DEC 05 1997

APPLICANT REQUESTS THAT:

1. His nonselection for promotion to the grade of major by the Calendar Year 1994A (CY94A) Major Board be declared void.
2. The citations for the Air Force Commendation Medal (AFCM), First Oak Leaf Cluster (1OLC), and the Air Medal (**AM**) be added to his Officer Selection Record (OSR) as it met the Calendar Year 1994A (CY94A) Major Board.
3. He be promoted to the grade of major as if selected by the CY94A Major Board.

APPLICANT CONTENDS THAT:

The above data were in error or missing from his records when his records met the CY94A Major Board. He also contends that, since filing this petition, he was the victim of illegal Management Level Evaluation Board (MLEB) procedures and challenges what he believes to be "illegal" command indorsement special promote recommendations, alleging a system where stratification of "promote" recommendations occurred in violation of the existing regulation (AFR 36-10). Illegal procedures used at the CY94 MLEB and central promotion board directly contributed to his initial nonselection.

Applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

The applicant's Total Active Federal Military Service Date is 17 Jan 83. He was considered and not selected for promotion to the grade of major by the CY94A (22 Aug 94) Major Board. He was considered and selected for promotion to the grade of major by the CY95A (5 Jun 95) Major Selection Board.

Applicant's Officer Effective Report (OER)/Officer Performance Report (OPR) profile since 1985 follows:

<u>PERIOD ENDING</u>	<u>OVERALL EVALUATION</u>
20 Jun 85	1-1-1
20 Dec 85	1-1-1
20 Dec 86	1-1-1
20 Dec 87	1-1-1
1 Dec 88	Training Report (TR)
1 Dec 89	Meets Standards
15 Jul 90	Meets Standards
26 Jun 91	Meets Standards
26 Jun 92	Meets Standards
23 Jun 93	Meets Standards
* 23 Jun 94	Meets Standards
** 5 Mar 95	Meets Standards

* Top report on file at time of CY94A Major Board.

** Top report on file at time of CY95A Major Board.

The citation for the **AM** covered the period 1 Apr 94 through 17 May 94 and was awarded by special order 363, dated 26 Jul 94. The citation for the AM was filed in applicant's OSR on 9 Sep 94.

AIR FORCE EVALUATION:

The Chief, Reports & Quiries Team, AFMPC/DPMRI, indicated that, based on the OPRs in applicant's Officer Selection Folder (OSF), they changed his duty titles as requested (see Exhibit C).

The Chief, BCMR & SSB Section, AFMPC/DPPPAB, reviewed this application and indicated that regarding the missing citation for the AFMPC, 10LC, applicant states that he faxed a copy of the special order to the Officer Promotions Section on 15 Aug 94 for inclusion in his OSR and it was not filed in the OSR until 28 Sep 94. They point out that the purpose of having a citation included in the record is not to allow board members the opportunity to peruse the comments thereon, although they may do so if they are so inclined. Rather, the purpose is to make them aware of the significance of the award. AFI 36-2608, Table A2.1, Item 329, specifically cites that orders granting decorations may be filed and maintained when a like citation is not available. This speaks to the "knowledge" that an award was given as opposed to the "contents" contained in the award citation. Accordingly, evidence of an award within the OSR speaks to the award itself, not what the citation may or may not reveal. The applicant is correct in stating that the citation for the AFMPC, 10LC, was not on file. However, the award was in evidence before the CY94A board. The decoration was listed on the Officer Selection Brief (OSB) assessed by the board members. Therefore, the board

members were knowledgeable the award was given which is the ultimate purpose of including them in the promotion selection process. Since the board members were aware of the decoration, it was factored into their promotion evaluation.

Regarding the missing citation for the **AM**, this citation covered the period 1 Apr 94 through 17 May 94 and was awarded by special order 363, dated 26 Jul 94. AFI 36-2803, Figure 3.1, Note 4, states, an award citation is required to be filed in the OSR within 60 days after the date of the awarding order or, in this case, 24 Sep 94. The citation for the **AM** was filed in applicant's OSR on 9 Sep 94. Furthermore, AFI 36-2803, paragraph 3.1, states recommendations should be entered into official channels within two years and awarded within three years of the act, achievement, or service performed. Clearly the decoration in question was processed and placed in his records within the parameters outlined in the governing directive. They would also like to point out that, after a review of applicant's OSR, a copy of the Aerial Achievement Medal (AAM) citation was found in the OSR with a file date of 16 Aug 94--one day after the applicant states he faxed a copy of the **AM** to AFMPC/DPPPOO. They wonder if the AAM was erroneously faxed versus the **AM**.

In reference to the assignment history not being reflected on the OSR, the board members were cognizant of the applicant's correct duty titles. It should be noted that every officer receives an Officer Preselection Brief (OPB) several months prior to a selection board. The OPB contains data that will appear on the OSB at the central board. Written instructions attached to the OPB and given to the officer before the central selection board specifically instruct him/her to carefully examine the brief for completeness and accuracy. If any errors are found, he/she must take corrective action prior to the selection board, not after it. The instructions specifically state, "**Officers will not be considered by a Special Selection Board if, in exercising reasonable diligence, the officer should have discovered the error or omission in his/her records and could have taken timely corrective action**" (emphasis added). It appears the applicant did not take action to correct his assignment history entries until after the board. He states that he attempted several times to correct his duty title history. While he indicates that being physically separated from his servicing MPF created several problems and the requested changes were never made, he provides no evidence that he attempted to correct the contested data prior to the board. Furthermore, they believe he had ample time to correct his record prior to the board. In fact, he had at least two previous opportunities to review and correct his records as he received preselection briefs before his below-the-promotion zone considerations in 1992 and 1993; yet, he has not provided any documentation to show his efforts to change his duty titles. Also, the applicant could have included this information in a letter to the board president, i.e., "I wish to inform the board of the award of two decorations. I have mailed/faxed the

decorations to AFMPC; however, in the event they are not included in my record prior to it being scored,...I would also like to point out corrections to my duty history for the periods...I have been working with my servicing MPF to have these corrections made; however, in the event they are not included in my OSB prior to my record being scored,..."

While the AFM, 10LC, and **AM** were not included in the OSR, and the **AM** and changes to applicant's duty history were not reflected on the OSB, it is highly unlikely they were the causes of his nonselection. Central boards evaluate the entire record to assess whole person factors such as job performance, professional qualities, depth and breadth of experience, leadership, and academic and professional military education. Based on the evidence provided, they recommend the Board deny applicant's request.

A complete copy of the Air Force evaluation, with attachments, is attached at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the Air Force evaluation and provided a 16-page rebuttal. He also indicated that since filing his petition, he learned that in addition to errors detailed in his initial DD Form 149, illegal procedures used at the CY94 MLEB and central promotion board also directly contributed to his initial nonselection and he requests that the Board direct his record be corrected to reflect selection for promotion to the grade of major as if selected by the CY94A Major Board (see Exhibit F).

ADDITIONAL AIR FORCE EVALUATION:

The Chief, Evaluation Boards Section, AFPC/DPPPEB, reviewed this application and indicated that one of the charges of the Officer Evaluation System (OES) Review Group was to eliminate any negative perceptions of the OES and to ensure it was being implemented fairly and equitably across the Air Force. In accordance with AFR 36-10, page 1, the concern of special command indorsements or "stratification" was raised through normal command channels identifying it as an area that may require a potential change. This group looked at the utilization of MAJCOM (major command) indorsements and noted they were not being used consistently throughout the Air Force. However, these statements were never prohibited or encouraged by AFR 36-10. The dilemma faced by the group was how to standardize this practice. They elected to prohibit these comments at the management level since senior raters, not management levels, are solely responsible for making a promotion recommendation. The Review Group determined

that senior raters, however, could continue the practice of rank ordering their eligibles.

The applicant states "...the MAJCOM special promote systems effectively 'took away' promotions from officers who received a legitimate promote recommendation" and he continues by stating these procedures were illegal. To the contrary, paragraph 4-13b states management levels must review all in-the-promotion (IPZ)/above-the-promotion zone (APZ) records of performance to identify and discuss with appropriate senior raters those PRFs that appear to contain comments that are exaggerated or unrealistic, do not support the overall recommendation and are not supported by members' record of performance. Paragraph 4-14 goes on to state "in all cases, a senior rater has the final authority to determine the content of the PRFs he or she prepares...". This provision provided the latitude for management levels to rank order promotes since the senior rater served as a member of the MLEB. - The applicant states the promotion quotas for officers with "legitimate" promote recommendations were cut dramatically in comparison to the officers who receive "special promote" recommendations. Although the package contains a Stratified Select Rate Chart for 1993, they are unable to verify its source. Additionally, the applicant is contesting the 1994 board results to major and the chart reflects 1993 statistics to the grade of lieutenant colonel. Furthermore, this chart does not reflect significant statistical variances in promotion by MAJCOMs. One should expect, however, that those records which are competed for additional definitely promotes (DPs) at the management level would be stronger than those who receive a promote outright. Unfortunately by law, they are restricted as to how many officers they can have on active duty. Some discrimination must take place to promote the best qualified officers and some senior raters chose to exercise this in the form of rank order comments in the PRF. Since this was an authorized method of strengthening a PRF, there is no evidence of any impropriety in those cases where the PRFs were not rank ordered or strengthened with special recommendations (see Exhibit G).

The Chief of Operations, Selection Board Secretariat (AFPC/DPPB), also reviewed this application and indicated that it is quite obvious that the applicant has received counsel since his accusations about the promotion board system are virtually verbatim to other applications received of late. The applicant offers his interpretations of the applicable statutes, directives, and other governing publications - they are without merit. Legal representatives for the Air Force have reviewed the promotion board procedures and have determined they are in compliance with governing directives. It should be noted that the promotion board procedures used for the CY94 Central Major Board that is being challenged by the applicant were the very same promotion board procedures used by the CY95 Central Major Board that selected the applicant for promotion. The applicant

apparently had no problem accepting the promotion and the results of the CY95 board (see Exhibit H) .

The Chief, BCMR & SSB Section, AFPC/DPPPA, again reviewed this application and indicated that the applicant contends that he was, in fact, diligent in maintaining the accuracy of his records. He also states he cannot be afforded fair treatment by a Special Selection Board (SSB) and should be directly promoted to major as if selected by the CY94A Major Board. They point out that the applicant provides no evidence to support any of the claims made in his rebuttal to the 17 Sep 95 advisory. A restatement of his allegations does not constitute evidence. His contention that the SSB system is illegal is unfounded. The process in place in the Air Force to reconsider members with errors in their records is the SSB system and it is not within the applicant's discretion to choose the manner in which he is considered for promotion. Furthermore, his request for direct promotion does not correlate to his charge of an illegal promotion system. If the entire Air Force promotion system were found to be in violation of regulations, the remedy would not be the automatic promotion of the applicant. They do not believe the applicant has exercised reasonable diligence in the maintenance of his records and they still contend that if the Board should decide the applicant is entitled to further promotion opportunity, an SSB composed of senior officers is the most advantageous position from which to render the decision regarding his promotion potential at the time of the CY94A board. No new evidence is provided that affects their previous advisory opinion (see Exhibit I).

APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION:

The applicant reviewed the additional Air Force evaluations and provided a two-page rebuttal (see Exhibit K) .

ADDITIONAL AIR FORCE EVALUATION:

The Chief of Operations, Selection Board Secretariat, AFPC/DPPB, again reviewed this application and indicated that the applicant's latest rebuttal to the advisories previously written offers no new supporting evidence. Therefore, their office can add nothing to their previous advisory (see Exhibit L).

The Chief, Evaluations Boards Section, AFPC/DPPPEB, again reviewed this application and indicated that the applicant's case appears to copy earlier conveniently-reasoned, commercially prepared cases which also challenged management level evaluation board legality without any direct reference as to how the individual applicant was treated unfairly by the process. They

can only address the technical aspects of this case as related to the allegations contained in the case. First of all, the use of command indorsements or PRF stratification was neither prohibited nor encouraged by AFR 36-10 and a command supplement was not required. This practice was reviewed by the 1995 OES Review Group commissioned by the CSAF and determined to be in compliance with the governing directives.

The applicant cites paragraph 4-13(b) as the authority which precludes awarding "MAJCOM indorsements" on PRFs. However, paragraph 4-14(b) states "in all cases, a senior rater has the final authority to determine the content of the PRFs he or she prepares..." Since the senior raters were present during the MLEB proceedings and signed the reaccomplished PRFs, the latitude for rank orderings of promotes during these proceedings was provided. The applicant has provided documents to support his contention that officers with "Top Promote" statements in the narrative of their PRF were selected for promotion at a rate of nearly five times those officers who received "Promote" recommendations with no stratified comments. They cannot validate the source or accuracy of these statistics since PRFs are tracked with only one of the three ratings contained in AFR 36-10, paragraph 4-3(d). One should expect, however, that those records that are competed for additional "DPs" at the management level would be stronger than those officers who receive a "P" outright or do not score in the top 20 percent at the MLEB. Unfortunately by law, they are restricted as to how many officers they can have on active duty. Some discrimination must take place to promote the best qualified officers. Because of the limited numbers of DP recommendations available, not everyone is going to get one. Some management levels allowed senior raters to make such comments as "top 10 percent of 'P' in the command", in the narrative section of the PRF, and the key to getting one of these statements was to rank high enough from the board results. They state that the applicant's request should be denied. The new evidence provided does not substantiate his allegations or prove that he was treated unfairly by the OES (see Exhibit M).

The Staff Judge Advocate, AFPC/JA, also reviewed this application and indicated that, at the outset, the entire Air Force promotion recommendation part of the Air Force OES is totally a creature of AFR; it is not governed at all by statute or Department of Defense (DOD) directive. Consequently, its "legality" can be tested solely by virtue of whether the Air Force has followed its own regulation. The applicant argues that the top promote program was improper because it was neither authorized nor applied uniformly across the Air Force. As a consequence, he argues, he was at a competitive disadvantage in competing for these recommendations since other commands had different "top promote" quotas. While it is true that AF/CC, upon the recommendation of the OES Review Group, eventually eliminated the stratification system at management levels, it was because of

feared problems with perceptions of fairness, not because the system was illegal. The system that was used in many commands, though ultimately abandoned, never operated in contravention of the governing Air Force regulation, AFR 36-10. They have previously opined that, by its very terms, the regulation does not prohibit the use of 'stratified "promote" recommendations; i.e., delineating among "promotes" to describe a particular officer's relative potential meets the regulation's requirement for an assessment of the ratee's performance-based potential to support the overall promotion recommendation, and it violates neither the letter nor spirit of any portion of the regulation.

The rest of the applicant's brief presents the now familiar arguments that the Air Force's promotion board procedures violate both statute and DOD Directive. He begins with a contention that Air Force promotion boards violate 10 USC 616 and 617. Specifically, he argues that promotion board panels operate independently of one another, thereby rendering as impossible the promotion recommendation by "a majority of the members of the board" mandated by 10 USC 616 or the resulting certification required by 10 USC 617. In response, they note first that no provision of law exists that specifically requires each member of a promotion board to personally review and score the record of each officer being considered by the board. The House Armed Services Committee Report (97-141) that accompanied the Defense Officer Personnel Management Act (DOPMA) Technical Corrections Act (Public Law 97-22) specifically references panels as a type of administrative subdivision of selection boards. Consequently, it is clear that at the time DOPMA was enacted, Congress was certainly aware of the existence of promotion board panels and expressed no problem with them. Furthermore, the language of 10 USC 616(a) and (c) (the recommendation for promotion of officers by selection boards), not just 617(a) (the certification by a majority of the members of the board), speaks to the corporate board and not to individual members. In essence, a majority of the board must recommend an officer for promotion and each member is required to certify that the corporate board has considered each record, and that the board members, in their opinion, have recommended those officers who "are best qualified for promotion." The members are not required to reach this point through an individual examination of every record, although they may do so. Rather, based on their overall participation in the board's deliberations, and the fact that the process involves the random assignment of officer selection records to panels to achieve relatively equal quality and procedures to ensure that the quality of the record of those officers recommended for selection among the panels is essentially identical, the members are in a position to honestly certify that the process in which they participated properly identified, based on the record before them, those officers who were best qualified for promotion. In their opinion, that is enough to assure compliance with all the statutory requirements.

Regarding applicant's allegations that the Air Force violated DOD Directive 1320.12 by convening panels and not separate promotion boards to consider the various competitive categories, the relevant portion of the Directive provides:

POLICY

a. *Centralized Selection.* To ensure fairness in the promotion selection process and a balanced appraisal of the needs of the Military Service concerned, a single board shall be convened to consider all eligible officers in the same grade and competitive category for promotion to grades above captain in the Army, Air Force, or Marine Corps; or lieutenant in the Navy, except that:

b. *Concurrent Boards.* Selection boards convened for different competitive categories or grades may be convened concurrently when practicable at the discretion of the Secretary of the Military Department concerned.

Applicant argues that the Air Force promotion board was illegal because the Air Force convened a single board consisting of panels rather than convening separate boards as required by the DOD Directive. In their opinion, this argument is without merit. It is clear that the directive's purpose in requiring separate boards for each competitive category-to assure fairness and compliance with Title 10, Chapter 36 (particularly Section 621 requirements). In truth, nomenclature notwithstanding, the Air Force's competitive category "panels," which are convened concurrently as permitted by the Directive, fully accomplish this stated purpose; i.e., members of each competitive category compete within their respective "panel" only against other officers of that same category. In fact, each of the nonlinear competitive panels are panels in name only; they-along with the line competitive category panels-are actually separate promotion boards for purposes of the statutes and DOD Directive. Consequently, they fulfill all the requisite statutory and regulatory requirements.

Applicant next attacks as error the role of the board president in the Air Force promotion process, in particular, arguing that the board president's duties in the Air Force process violates DOD Directive 1320.12, Section F, paragraph 2(a)(1). They disagree. The duties prescribed for board presidents by Air Force directives do require the president to perform several critical duties relative to board scoring. Those duties do not, however, in any manner, constrain the board from recommending for promotion the best qualified among the fully qualified officers being considered. Applicant has offered no proof that the president of this or any Air Force selection board has ever acted contrary to law or regulation. In the absence of evidence to the contrary, the board president and other members of the board are

entitled to the presumption that they carried out their duties and responsibilities properly and according to law.

Finally, applicant claims that his nonselection cannot be remedied by SSB consideration. He bases this on two reasons: (1) the benchmark records that would be used in an SSB are invalid because the original promotion boards that rendered them were illegal; and (2) scoring procedures used by Air Force SSBs are arbitrary and capricious. They cannot address these issues without first reiterating their strong belief that applicant has not provided a meritorious application warranting the need for any relief. As for the merits of these claims, in their opinion, the Air Force's SSB procedure fully comports with the 10 USC 628(a) (2) requirement that an officer's "record be compared with a sampling of the records of those officers of the same competitive category who were recommended for promotion, and those officers who were not recommended for promotion, by the board that should have considered him". The burden is on the applicant to prove otherwise, and he has failed to do so.

Regarding applicant's request for direct promotion, both Congress and DOD have made clear their intent that errors ultimately affecting promotion should be resolved through the use of SSBs. Moreover, they have repeatedly agreed with AF/JAG that the AFBCMR is not in the appropriate position to grant a direct promotion-that in promotion matters, the Board's statutory authority should be limited to correcting military records which may have affected the promotion process, and recommending SSB consideration in appropriate cases. The United States Court of Federal Claims concurs in this. Otherwise, the AFBCMR-which is not comprised in accordance with 10 USC 612 and has no basis for comparing an applicant's record with those of his competitors-would be essentially usurping the statutory power of promotion boards. At a minimum, it is safe to say that the AFBCMR has not, in the past (and likely will not in the future) considered direct promotion except in the most extraordinary circumstances where SSB consideration was deemed totally unworkable and the applicant's case clearly does not fall into that category.

In summary, the applicant has failed to present relevant evidence proving the existence of any error or injustice prejudicial to his substantial rights with respect to the promotion recommendation and promotion processes that considered him. On that basis, they recommend that the application be denied (see Exhibit N).

APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION:

Copies of the additional Air Force evaluations were forwarded to applicant on 2 Jun 97 for review and response. As of this date, no response has been received by this office.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After thoroughly reviewing applicant's complete submission, we are not persuaded that he has been the victim of either an error or an injustice warranting favorable action of his requests. The applicant's duty history on his OSB for the CY94 Major Selection Board was incorrect. However, as noted by the Air Force, the selection board members were aware of his correct duty titles since they were reflected on his OPRs which were a part of his OSR. Therefore, we do not believe the error in his duty history on his OSB constitutes an adequate basis to warrant relief.
4. With respect to applicant's contentions regarding the missing citations for the AFCM, 10LC, and the **AM**, we note the following:

a. The Air Force has indicated that although the citation for the AFCM (10LC) was not on file, the award was listed on the OSB; therefore, the board members were aware of the award and factored it into their promotion evaluation.

b. Further, the Air Force has indicated that the contested **AM** was not required to be on file until 24 Sep 94. We note this was well after the CY94 selection board would have adjourned. The Air Force noted that, although applicant indicated that he datafaxed a copy of the order awarding the contested **AM** to the Officer Promotions Section for inclusion into his OSR, a review of his OSR only revealed a copy of the citation accompanying an AAM which was entered into his file on 16 Aug 94, causing them to question whether the AAM vice the **AM** was datafaxed to the Officer Promotion Section.

The Air Force acknowledges that, while the AFCM (10LC) and the **AM** were not a part of applicant's OSR, and changes to his duty history were not reflected on his OSB, it is highly unlikely these were the causes for his nonselection. In this respect, they note that central boards evaluate the entire officer record. After reviewing the evidence of record, we agree with the

comments of the Air Force and conclude that these omissions constitute nothing more than harmless errors.

5. Applicant's numerous contentions concerning the statutory compliance of central selection boards, the promotion recommendation appeal process, and the legality of the SSB process are duly noted. However, absent more clear-cut evidence, we do not find these uncorroborated assertions, in and by themselves, sufficiently persuasive to override the rationale provided by the Air Force. Therefore, we agree with the Air Force and adopt the rationale expressed as the basis for our conclusion that the applicant has failed to sustain his burden of establishing the existence of either an error or an injustice warranting favorable action on these requests.

6. The documentation provided with this case was sufficient to give the Board a clear understanding of the issues involved and a personal appearance, with or without counsel, would not have materially added to that understanding. Therefore, the request for a hearing is not favorably considered.

THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered this application in Executive Session on 24 January 1997 and 29 August 1997, under the provisions of Air Force Instruction 36-2603:

Mr. Henry C. Saunders, Panel Chairman
 Mr. David W. Mulgrew, Member
 Mr. Jackson A. Hauslein, Member
 Mrs. Joyce Earley, Examiner (without vote)

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 1 Feb 95, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFMPC/DPMRIS, dated 22 Feb 95.
- Exhibit D. Letter, AFMPC/DPPPAB, dated 7 Sep 95,
w/atchs.
- Exhibit E. Letter, AFBCMR, dated 25 Oct 95.
- Exhibit F. Letter from applicant, dated 9 Dec 95,
w/atchs.

- Exhibit G. Letter, AFPC/DPPPEB, dated 24 Apr 96.
- Exhibit H. Letter, AFPC/DPPB, dated 6 May 96.
- Exhibit I. Letter, AFPC/DPPPA, dated 16 May 96.
- Exhibit J. Letter, AFBCMR, dated 3 Jun 96.
- Exhibit K. Letter from applicant, dated 27 Jun 96.
- Exhibit L. Letter, AFPC/DPPB, dated 5 Mar 97.
- Exhibit M. Letter, AFPC/DPPPEB, dated 2 Apr 97.
- Exhibit N. Letter, AFPC/JA, dated 21 May 97.
- Exhibit O. Letter, AFBCMR, dated 2 Jun 97.



HENRY C. SAUNDERS
Panel Chairman



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS

5 MAR 1997

MEMORANDUM FOR AFBCMR
THRU: SAF/MIBR

FROM: HQ AFPC/DPPB
550 C Street West Ste 5
Randolph AFB TX 78150-4707

SUBJECT: Application for Correction of Military Records - [REDACTED]

R [REDACTED]

Applicant's latest rebuttal, 27 Jun 96, to the advisories previously written by this headquarters offers no new supporting evidence. Therefore, this office can add nothing to our advisory of 6 May 96.

A handwritten signature in cursive script that reads "Steven E. Robinson".

STEVEN E. ROBINSON, Lt Col, USAF
Chief of Ops, Selection Board Secretariat
Directorate of Personnel Program Mgt

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2 Apr 97

MEMORANDUM FOR SAF/MIBR
AFBCMR

[REDACTED]

FROM: HQ AFPC/DPPPEB
550 C Street West Ste 07
Randolph AFB TX 78150-4709

SUBJECT: Application for Correction of Military Records - [REDACTED]

Requested Action: The applicant is requesting the nonselection he received at the CY94 Major Central Selection Board be declared null and void.

Basis for Request: The applicant claims ground for relief on the basis of illegal Management Level Evaluation Board (MLEB) procedures.

Background: The member's case appears to copy earlier conveniently-reasoned, commercially prepared cases which also challenged management level evaluation board legality without any direct reference as to how the individual applicant was treated unfairly by the process.

Facts: We can only address the technical aspects of this case as related to the allegations contained in the case. First of all, the use of command indorsements or PRF stratification was neither prohibited nor encouraged by AFR 36-10 and a command supplement was not required. This practice was reviewed by the 1995 OES Review Group commissioned by the CSAF, and determined to be in compliance with the governing directives.

The applicant cites paragraph 4-13(b) as the authority which precludes awarding "MAJCOM indorsements" on PRFs. However, para 4-14(b) states "in all cases, a senior rater has the final authority to determine the content of the PRFs he or she prepares...". Since the senior raters were present during the MLEB proceedings and signed the reaccomplished PRFs, the latitude for rank orderings of promotes during these proceedings was provided.

The applicant has provided documents to support his contention that officers with "Top Promote" statements in the narrative of their PRF were selected for promotion at a rate of nearly five times those officers who received "Promote" recommendations with no stratified comments. We cannot validate the source or accuracy of these statistics since PRFs are tracked with only one of the three ratings contained in AFR 36-10, para 4-3(d). One should expect however, that those records that are competed for additional "DPs" at the management level

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Unfortunately by law, we are restricted **as** to how many officers we can have on active duty. Some discrimination must take place to promote the best qualified officers. Because of the limited numbers of "Definitely Promote" recommendations available, not everyone is going to get one. Some management levels allowed senior raters to make such comments as "top 10 percent of 'P' in the command", in the narrative section of the PRF, and the key to getting one of these statements was to rank high enough from the board results.

Recommendatioa: The applicant's request should be denied. The new evidence provided does not substantiate his allegations or prove that he was treated unfairly by the OES. If there are any questions concerning this issue, please contact me at DSN **487-2753**.



LAURA A. BRANZELL, Capt, USAF
Chief, Evaluation Boards Section
Directorate of Personnel Program Mgt

95 00441



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS



21 May 1997

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/JA (Mr. Lockwood)
550 C Street West Suite 44
Randolph AFB TX 78150-4746

SUBJECT: Application for Correction of Military Records - [REDACTED]

This is in response to your letter of 19 Feb 97, requesting our review and comments on applicant's contentions of illegal procedures used at the CY94 MLEB and central promotion board. For the reasons to follow, we can discern no error or injustice warranting relief.

Applicant's brief presents arguments familiar to this Board attacking as illegal various aspects of the Air Force's promotion recommendation and promotion board procedures. He begins with a claim that he was the victim of illegal Management Level Evaluation Board (MLEB) procedures; i.e., he challenges what he believes to be "illegal, 'command indorsement special promote' recommendations" — alleging a system where stratification of "promote" recommendations occurred in violation of the existing regulation (AFR 36-10). In particular, he states that the "top promote" system was unauthorized, the system was not uniformly applied, and he was prejudiced by its use.

At the outset, the entire Air Force promotion recommendation part of the Air Force Officer Evaluation System is totally a creature of Air Force regulation; it is not governed at all by statute or DOD directive. Consequently, its "legality" can be tested solely by virtue of whether the Air Force has followed its own regulation. Applicant argues that the top promote program was improper because it was neither authorized nor applied uniformly across the Air Force. As a consequence, he argues, he was at a competitive disadvantage in competing for these recommendations since other commands had different "top promote" quotas. While it is true that AF/CC, upon the recommendation of the Officer Evaluation System (OES) Review Group, eventually eliminated the stratification system at management levels, it was because of feared problems with perceptions of fairness, not because the system was illegal. The system that was used in many commands, though ultimately abandoned, never operated in contravention of the governing Air Force regulation, AFR 36-10. We have previously opined that, by its very terms, the regulation does not prohibit the use of stratified "promote" recommendations; i.e., delineating among "promotes" to describe a particular officer's relative potential meets the regulation's requirement for an assessment of the ratee's performance based potential to support the overall

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promotion recommendation, and it violates neither the letter nor spirit of any portion of the regulation.

The rest of the applicant's brief presents the now familiar arguments that the Air Force's promotion board procedures violate both statute and DOD Directive. The author begins with a contention that Air Force promotion boards violate 10 U.S.C. 616 and 617. Specifically, he argues that promotion board panels operate independently of one another, thereby rendering **as** impossible the promotion recommendation by "a majority of the members of the board" mandated by 10 U.S.C. 616 or the resulting certification required by 10 U.S.C. 617. In response, we note first that no provision of law exists that specifically requires each member of a promotion board to personally review and score the record of each officer being considered by the board. The House Armed Services Committee Report (97-141) that accompanied the Defense Officer Personnel Management Act (DOPMA) Technical Corrections Act (P.L. 97-22) specifically references panels as a type of administrative subdivision of selection boards. Consequently, it is clear that at the time DOPMA was enacted, Congress was certainly aware of the existence of promotion board panels and expressed no problem with them. Furthermore, the language of 10 U.S.C. **616(a) and (c)** (the recommendation for promotion of officers **by** selection boards), not just 617(a) (the certification by a majority of the members of the board), speaks to the corporate board and not to individual members. In essence, a majority of the board must recommend an officer for promotion and each member is required to certify that the corporate board has considered each record, and that the board members, in their opinion, have recommended those officers who "are best qualified for promotion." The members are not required to reach this point through an individual examination of every record, although they may do so. Rather, based on their overall participation in the board's deliberations, and the fact that the process involves the random assignment of officer selection records to panels to achieve relatively equal quality and procedures to insure that the quality of the records of those officers recommended for selection among the panels is essentially identical, the members are in a position to honestly certify that the process in which they participated properly identified, based on the record before them, those officers who were best qualified for promotion. In our opinion, that is enough to assure compliance with **all** the statutory requirements.

Applicant next alleges that the Air Force violated DOD Directive 1320.12 by convening panels and not separate promotion boards to consider the various competitive categories. The relevant portion of the Directive provides:

D. POLICY

1.

- a. **Centralized Selection.** To ensure fairness in the promotion selection process, and a balanced appraisal of the needs of the Military Service concerned, a single board shall be convened to consider all eligible officers in the same grade and competitive category for promotion to grades above captain in the Army, Air force, or Marine Corps; or lieutenant in the Navy, except that:

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(1)

(2) . . .

- b. **Concurrent Boards.** Selection boards convened for different competitive categories or grades may be convened concurrently when practicable at the discretion of the Secretary of the Military Department concerned.

Applicant argues that the Air Force promotion board was illegal because the Air Force convened a single board consisting of *panels* rather than convening separate boards as required by the DOD Directive. In our opinion, this argument is without merit. It is clear that the directive's purpose in requiring separate boards for each competitive category is to insure that these officers compete only against others in the same competitive category—to assure fairness and compliance with Title 10, Chapter 36 (particularly Section 621 requirements). In truth, nomenclature notwithstanding, the Air Force's competitive category "panels," which are convened concurrently as permitted by the Directive, fully accomplish **this** stated purpose; i.e., members of each competitive category compete within their respective "panel" only against other officers of that same category. In fact, each of the nonline competitive panels are panels in name only; they—along with the line competitive category panels—are actually separate promotion boards for purposes of the statutes and DOD Directive. Consequently, they fulfill all the requisite statutory and regulatory requirements.

Applicant next attacks as error the role of the board president in the Air Force promotion process, in particular, arguing that the board president's duties in the Air Force process violates DOD Directive 1320.12, Section F, para 2(a)(1). We disagree. The duties prescribed for board presidents by Air Force directives do require the president to perform several critical duties relative to board scoring. Those duties do not, however, in any manner, constrain the board from recommending for promotion the best qualified among the fully qualified officers being considered. Applicant has offered no proof that the president of this or *any* Air Force selection board has ever acted contrary to law or regulation. In the absence of evidence to the contrary, the board president and other members of the board are entitled to the presumption that they carried out their duties and responsibilities properly and according to law. *Sanders v. United States*, 594 F.2d 804, 219 Ct.Cl. 285 (1979).

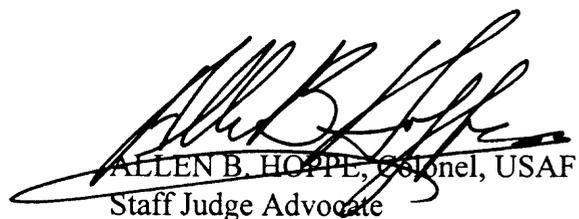
Finally, applicant claims that his nonselection cannot be remedied by special selection board (SSB) consideration. See 10 U.S.C. 628. He bases this on two reasons: (1) the benchmark records that would be used in an SSB are invalid because the original promotion boards that rendered them were illegal; and (2) scoring procedures used by Air Force SSBs are arbitrary and capricious. We cannot address these issues without first reiterating our strong belief that applicant has not provided a meritorious application warranting the *need* for any relief. As for the merits of these claims, in our opinion, the Air Force's SSB procedure fully comports with the 10 U.S.C. 628(a)(2) requirement than an officer's "record be compared with a sampling of the records of those officers of the same competitive category who were

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recommended for promotion, and those officers who were not recommended for promotion, by the board that should have considered him.” The burden is on the applicant to prove otherwise, and he has failed to do so.

As to the request for direct promotion, both Congress and DOD have made clear their intent that errors ultimately affecting promotion should be resolved through the use of special selection boards. See 10 U.S.C. 628(b) and DOD Directive 1320.11, para D.1. Air Force policy mirrors that. AFR 36-89, para 33a. Moreover, we have repeatedly agreed with AF/JAG (see OpJAGAF 1994/17) that the AFBCMR is not in the appropriate position to grant a direct promotion—that in promotion matters, the Board’s statutory authority should be limited to correcting military records which may have affected the promotion process, and recommending **SSB** consideration in appropriate cases. The United States Court of Federal Claims concurs in this, *Finkelstein v. United States*, 29 Fed.Cl. 611 (1993). Otherwise, the BCMR—which is not compromised in accordance with 10 U.S.C. 612 and has no basis for comparing an applicant’s record with those of his competitors—would be essentially usurping the statutory power of promotion boards. At a minimum, it is safe to say that the BCMR has not in the past (and likely will not in the future) considered direct promotion except in the most extraordinary circumstances where SSB consideration was deemed totally unworkable. The applicant’s case clearly does not fall into that category.

In *summary*, applicant has failed to present relevant evidence proving the existence of any error or injustice prejudicial to his substantial rights with respect to the promotion recommendation and promotion processes that considered him. On that basis, we recommend that the application be denied.



ALLEN B. HOPPE, Colonel, USAF
Staff Judge Advocate



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DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS

16 MAY 1996

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPPA
550 C Street West, Suite 8
Randolph AFB TX 78150-4710

SUBJECT: AFI 36-2603 Application [REDACTED]
Response to applicant's rebuttal of 17 Sep 95 advisory.

Requested Action. See attached HQ AFPC/DPPPAB advisory, 17 Sep 95.

Basis for Request. See attached HQ AFPC/DPPPAB advisory, 17 Sep 95.

Recommendation. Deny.

Facts and Comments:

a. Application is timely. **This** advisory is in response to the applicant's rebuttal of **our** 17 Sep 95 advisory opinion (attached) of **his** 1 Feb 95 DD Form 149.

b. **Since** the original application was submitted, the applicant **has been** promoted to the grade of major above-the-promotion-zone (APZ) by the CY95A (5 Jun 95) (P0495A) central selection board.

c. In his response to **our** 17 Sep 95 advisory, applicant submits a personal brief. The applicant contends he was, in fact, diligent in maintaining the accuracy of **his** records. He **also** states he cannot be afforded **fair treatment by an SSB, and should** be directly promoted to major **as** if selected by the P0494A board. We would point out the applicant provides **no** evidence to support any of the claims made in **his** rebuttal to the 17 Sep 95 advisory. A restatement of the applicant's allegations does **not constitute** evidence. **The** applicant's contention that the SSB system is illegal is unfounded. The process in place in the **Air Force** to reconsider members **with** errors in their records is the SSB system. It is not within the applicant's discretion to choose the manner in which he is considered for promotion. Furthermore, the applicant's request for direct promotion does not correlate to **his** charge of **an** illegal promotion system. If the entire **Air Force** promotion system were found to be in violation of regulations, the remedy would not be the automatic promotion of the applicant. **Only** a reconstitution of the promotion boards, reconsidering **all** of the records, would be appropriate. We believe the applicant's requests were appropriately **addressed** in **our** 17 Sep 95 advisory. We do not believe the applicant **has** exercised reasonable diligence in the maintenance of **his** records, and we still contend that if the **AFBCMR** should decide the applicant is entitled to further

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promotion opportunity, an SSB composed of senior officers is the most advantageous position from which to render the decision regarding the applicant's promotion potential at the time of the P0494A board. No new evidence is provided that affects our 17 Sep 95 advisory opinion. We believe the applicant's allegations are unfounded.

Summary. Based on the evidence provided, our recommendation of denial is appropriate.



JOYCE E. HOGAN
Chief, BCMR and SSB Section
Dir of Personnel Program ~~Mgt~~

Attachment:
HQ AFMPC/DPPPAB ~~Itr~~, 17 Sep 95

cc:
SAF/MIBR

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DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE MILITARY PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS

17 SEP 1995

MEMORANDUM FOR AFBCMR

FROM: HQ AFMPC/DPPPAB
550 C Street West, Suite 8
Randolph AFB TX 78150-4710

SUBJECT: AFR 31-3 Application [REDACTED]

Requested Action. Special Selection Board (SSB) consideration for promotion to the grade of major by the CY94A (22 Aug 94) (P0494A) major board.

Basis for Request. Applicant requests that the citations for the **Air** Force Commendation Medal (first oak leaf cluster) (AFCM (1OLC)) and the Air Medal (AM) be added to his **Officer** Selection Record (OSR) as it met the P0494A board, and the AM and changes to his duty **history** be made to his Officer Selection Brief (OSB) that met the P0494A board.

Recommendation. Denial.

Facts and Comments:

a. Appeal is timely. AFI 36-2401, Correcting **Officer** and Enlisted Evaluation Reports, 3 Jun 94, does not apply in this instance.

b. Applicant was selected for promotion by the CY95A (5 Jun 95) Major Board.

c. AFI 36-2803, The Air Force Awards and Decorations Program, 15 Aug 94, and AFI 36-2608, Military Personnel Records System, 31 May 94, are the governing directives.

d. Regarding the missing citation for the AFCM (1OLC), applicant states that he faxed a copy of the special order to the Officer Promotions Section (HQ AFMPC/DPPPPOO) on 15 Aug 94 for inclusion in his OSR and it was not **filed** in the OSR until 28 Sep 94. We would like to point **out** that the purpose of having a citation included in the record is not to allow board members the opportunity to peruse the comments thereon, although they may do **so** if they are **so** inclined. Rather, the purpose is to make them aware of the significance of the award. In this regard, we're guided by AFI 36-2608, Table A2.1, Item 329. Specifically cited is that orders granting decorations may be filed and maintained when a like citation is not available. **This** speaks to the "knowledge" that an award was given **as** opposed to the "contents" contained in the award citation. Accordingly, evidence of an award within the OSR speaks to the award itself, not what the citation may or may not reveal. The applicant is correct in stating that the citation for the AFCM (1OLC) was not on file. However, the award was in evidence before the P0494A board.

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The decoration was listed on the OSB assessed by the board members. Therefore, the board members were knowledgeable the award was given which is the ultimate purpose of including them in the promotion selection process. Since the board members were aware of the decoration, it was factored into their promotion evaluation.

e. Regarding the missing citation for the AM and it not being reflected on the OSB, applicant states that he faxed a copy of the special order to the Officer Promotions Section (HQ AFMPC/DPPPOO) on 15 Aug 94 for inclusion in his OSR. The citation covered the period 1 Apr 94 through 17 May 94 and was awarded by special order 363 (Langley Air Force Base) dated 26 Jul 94. AFI 36-2803, Fig 3.1, Note 4, states, an award citation is required to be filed in the OSR within 60 days after the date of the awarding order or, in this case, 24 Sep 94. The citation for the AM was filed in applicant's OSR on 9 Sep 94. Furthermore, AFI 36-2803, Paragraph 3.1, states recommendations should be entered into official channels within 2 years and awarded within 3 years of the act, achievement, or service performed. Clearly the decoration in question was processed and placed in his records within the parameters outlined in the governing directive. We would also like to point out that, after a review of applicant's OSR, a copy of the Aerial Achievement Medal (AAM) citation (attached) was found in the OSR with a file date of 16 Aug 94 (annotated on the reverse of the AAM citation)--1 day after the applicant states he faxed a copy of the AM to HQ AFMPC/DPPPOO. We wonder if the AAM was erroneously faxed versus the AM.

f. In reference to the assignment history not being reflected on the OSB, the board members were cognizant of the applicant's correct duty titles, as shown on the attached Officer Performance Reports (OPRs). It should be noted that every officer receives an Officer Preselection Brief (OPB) several months prior to a selection board. The OPB contains data that will appear on the OSB at the central board. Written instructions attached to the OPB and given to the officer before the central selection board specifically instruct him/her to carefully examine the brief for completeness and accuracy. If any errors are found, he/she must take corrective action prior to the selection board, not after it. The instructions specifically state, "**Officers will not be considered by a Special Selection Board if, in exercising reasonable diligence, the officer should have discovered the error or omission in his/her records and could have taken timely corrective action**" (emphasis added). It appears the applicant did not take action to correct his assignment history entries until after the board. The applicant states that he attempted several times to correct his duty title history. He was stationed at Fort Stewart, Georgia, while his servicing MPF was at [redacted] AFB, [redacted]. He states that being physically separated from his servicing MPF created several problems, and the requested changes were never made. However, the applicant provides no evidence that he attempted to correct the contested data prior to the board. Furthermore, we believe the applicant had ample time to correct his record prior to the board. In fact, the applicant had at least two previous opportunities to review and correct his records as he received preselection briefs before his below-the-promotion zone considerations in 1992 and 1993. Yet, he has not provided any documentation to show his efforts to change his duty titles.

g. We would like to point out that the applicant could have also included this information in a letter to the board president; i.e., "I wish to inform the board of the award of two

decorations. I have mailed/faxed the decorations to AFMPC; however, in the event they are not included in my record prior to it being scored, ... I would **also** like to point out corrections to my duty history for the periods. .. I have been working with my servicing MPF to have these corrections made; however, in the event they are not included in my Officer Selection Brief prior to my record being scored, ...”

h. While the **AFCM (1OLC)** and AM were not included in the **OSR**, and the AM and changes to applicant’s duty history were not reflected on the OSB, it is highly unlikely they were the causes of **his** nonselection. Central boards evaluate the entire record (Promotion Recommendation Form, OPRs/Officer Evaluation Reports, Training Reports, Letters of Evaluation, decorations, and OSB) to **assess** whole person factors such as job performance, professional qualities, depth and breadth of experience, leadership, and academic and professional military education.

Summary. Based on the evidence provided, we recommend the **AFBCMR** deny applicant’s request. However, if the AFBCMR desires to grant relief over **our** objections, they should direct the officer’s reconsideration by **SSB** in-the-promotion zone for the P0494A board with the **OSB corrected** to reflect the award of the AM and changes to the duty history, and the citations for both the **AFCM (1 OLC)** and **AM** on file in the **OSR**.


JOYCE E. HOGAN
Chief, BCMR and **SSB** Section
Dir of Personnel Program Mgt





DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS

6 MAY 1996

MEMORANDUM FOR SAF/MIBR

FROM: HQ AFPC/DPPB
550 C Street West Ste 5
Randolph AFB TX 78150-4707

SUBJECT: ~~AF [REDACTED]~~

This response will address that portion of the applicant's 9 Dec 95 letter titled Defective Selection Boards, Violation of Statute and DOD Directive.

Applicant's original application for correction of military records, 1 Feb 95, did indeed pertain to a correction of his records. His latest correspondence, 9 Dec 95, offers no new supporting evidence but rather merely repeats his original claims and then proceeds to attack the promotion board system in general. It is quite obvious that the applicant has received counsel since his accusations about the promotion board system are virtually verbatim to other applications received of late. In fact, attachment 3 to his latest correspondence contains copies of advisories written by this office on other applicants. The applicant offers you his interpretations of the applicable statutes, directives, and other governing publications - they are without merit. Legal representatives for the Air Force have reviewed the promotion board procedures and have determined they are in compliance with governing directives.

It should be noted that the promotion board procedures used for the CY94 Central Major Board that is being challenged by the applicant were the very same promotion board procedures used by the CY95 Central Major Board that selected the applicant for promotion. The applicant apparently had no problem accepting the promotion and the results of the CY95 board.

POC is Mr. Clayton, DSN 487-4901.

STEVEN E. ROBINSON, Lt Col, USAF
Chief of Ops, Selection Board Secretariat
Directorate of Personnel Program ~~MJ~~

9500441



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE, TEXAS

MEMORANDUM FOR AFBCMR

24 APR 1996

FROM: HQ AFPC/DPPPEB
550 C Street West, Ste 07
Randolph AFB TX 78150-4709

UBJEC: Promotion Board Case of [REDACTED]

One of the charges of the Officer Evaluation System (OES) Review Group commissioned by General Ronald Fogelman was to eliminate any negative perceptions of the OES and to ensure it was being implemented fairly and equitably across the Air Force. In accordance with AFR 36-10, Page 1, the concern of special command indorsements or "stratification" was raised through normal command channels identifying it as an area that may require a potential change. This group looked at the utilization of MAJCOM indorsements and noted they were not being used consistently throughout the Air Force. However, these statements were never prohibited or encouraged by AFR 36-10. The dilemma faced by the group was how to standardize this practice. They elected to prohibit these comments at the management level since senior raters, not management levels, are solely responsible for making a promotion recommendation. The Review Group determined that senior raters, however, could continue the practice of rank ordering their eligibles.

The applicant states "...the MAJCOM special promote systems effectively 'took away' promotions from officers who received a legitimate promote recommendation", and he continues by stating these procedure were illegal. To the contrary, Para 4-13b states management levels must review all I/APZ records of performance to identify and discuss with appropriate senior raters those PRFs that appear to contain comments that are exaggerated or unrealistic, do not support the overall recommendation and are not supported by members' record of performance. Para 4-14 goes on to state "in all cases, a senior rater has the final authority to determine the content of the PRFs he or she prepares...". This provision provided the latitude for management levels to rank order promotes since the senior rater served as a member of the MLEB.

The applicant states the promotion quotas for officers with "legitimate" promote recommendations were cut dramatically in comparison to the officers who received "special promote" recommendations. Although the package contains a Stratified Select Rate Chart for 1993, we are unable to verify it's source. Additionally, the applicant is contesting the 1994

board results to Major and the chart reflects **1993** statistics to the grade of Lt Col. Furthermore, this chart does not reflect significant statistical variances in promotion by MAJCOMs. One should expect, however, that those records which are competed for additional "DPs" at the management level would be stronger than those who receive a "P" outright. Unfortunately by law we are restricted as to how many officers we can have on active duty. Some discrimination must take place to promote the best qualified officers and some senior raters chose to exercise this in the form of rank order comments in the PRF. Since this was an authorized method of strengthening a PRF, there is no evidence of any impropriety in those cases where the PRFs were not rank ordered or strengthened with special recommendations.

If there are any further questions regarding this assessment, you can contact me at DSN 487-2753 or 2697.



LAURA A. BRANZELL, Capt, USAF
Chief, Evaluation Boards Section
Directorate of Personnel Program Management

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE MILITARY PERSONNEL CENTER
RANDOLPH AIR FORCE BASE, TEXAS

MEMORANDUM FOR AFBCMR

22 FEB

FROM: HQ AFMPC/DPMRIS
550 C Street West, Suite 32
Randolph AFB, TX 78150-4734

SUBJECT: Application for Correction of Military Records (DD Form 149)

Requested Action. The applicant is requesting three duty history corrections; add the citation for the Air Force Commendation Medal (1st *Oak Leaf Cluster*); and Air Medal to his selection folder. We will be addressing his duty history **only**. The remaining request will be forwarded to the appropriate office for action. He requests special selection board consideration if **any** or all of the corrections are made.

Reason for Reuuest. Applicant believes the following was in error or missing when his records met the board.

- a. 9 Sep 93 duty entry duty title reflects F- [REDACTED] WSO, should be CHIEF OF STRIKE, F- [REDACTED]
- b. 19 Aug 92 duty entry duty title reflects AIR LIAISON OFFICER, should be BRIGADE AIR LIAISON OFFICER, FLIGHT CC.
- c. 14 Aug 91 duty entry duty title reflects AIR LIAISON OFFICER, should be BRIGADE AIR LIAISON OFFICER.

Discussion. Based on OPRs in applicants Officer Selection Folder, we changed applicants duty titles to reflect the following:

- a. 9 Sep 93, duty title CHIEF OF STRIKE, WSO, F- [REDACTED]
- b. 19 Aug 92, [REDACTED] BRIGADE AIR LIAISON OFFICER.
- C. 14 Aug 91, [REDACTED] BRIGADE AIR LIAISON OFFICER.

Case Forwarded To. Application has been forwarded to AFMPC/DPMAJA1.

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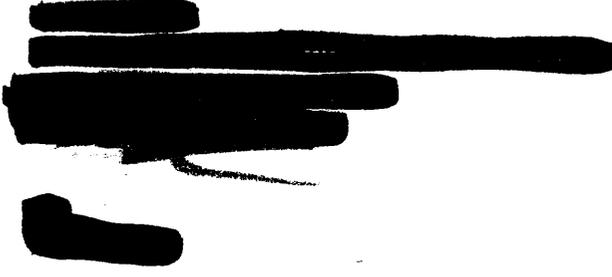
Point of Contact. MSgt Venard, DPMRIS1, ext 7-5041.

Barbara L. Smith

BARBARA L. SMITH, GS-11

Chief, Reports and Quiries Team

Directorate of Assignments



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