

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 96-02444

COUNSEL: NONE

HEARING DESIRED: NO

OCT 28 1997

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APPLICANT REQUESTS THAT:

1. His duty qualification history brief be corrected as follows:
  - a. The duty title, effective 30 September 1989, be changed to read: "C-29A Project Officer" vice "C-20 Program Manager."
  - b. The effective duty date of "2 November 1989" be changed to read: "16 December 1989."
2. His Officer Selection Folder (OSF) be updated to include the citation for the Air Force Commendation Medal, First Oak Leaf Cluster (AFCM 10LC).
3. He be considered for promotion to the grade of major by Special Selection Board (SSB).

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APPLICANT CONTENDS THAT:

He assumed the duties of [REDACTED] when he made a permanent change of station (PCS) to [REDACTED] Base (AFB) in September 1989. His duty qualification history brief reflects that he was the C-20 Program Manager which is a much higher level position in the acquisitions world. Approximately three weeks later, he departed to Maxwell AFB to attend Squadron Officer's School (SOS) in residence. Upon return to Wright-Patterson, he resumed his duties as a C-29A Project Officer. The significance of the duty history error reflecting "C-20 Program Manager" is that it reflects he held a very high level position, went to SOS and came back to a lower level position.

After a review of his OSF in June 1996, he found that the citation for the award of the second AFCM had not been placed into his record. There were two letters in the OSF requesting the citation be made available for the 4 March 1996 major promotion board. Without this citation in his OSF, the promotion board never had an opportunity to read the accomplishments which led to the award.

In support of his appeal, applicant submitted a letter from a former supervisor which confirms the issue dealing with the level of duty positions.

Applicant's complete submission is attached at Exhibit A.

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STATEMENT OF FACTS:

Applicant is currently serving on extended active duty in the grade of captain.

Applicant was considered and nonselected below-the-promotion zone (BPZ) by the Calendar Year (CY) 1994A and CY95A major selection boards. He was also considered and nonselected in-the-promotion zone (IPZ) by the CY96A (4 March 1996) Central Major Board.

Applicant's Officer Performance Report (OPR) profile, since promotion to the grade of captain, is as follows:

<u>PERIOD ENDING</u>	<u>OVERALL EVALUATION</u>
16 Aug 89	Meets Standards
15 Dec 89	Education/Training Report
18 Jun 90	Meets Standards
18 Jun 91	Meets Standards
18 Jun 92	Meets Standards
18 Jun 93	Meets Standards
# 16 May 94	Meets Standards
## 16 May 95	Meets Standards
### 29 Feb 96	Meets Standards
28 Feb 97	Meets Standards

# Top report at time of nonselection (BPZ) to the grade of major (CY94A)

## Top report at time of nonselection (BPZ) to the grade of major (CY95A)

### Top report at time of nonselection (IPZ) to the grade of major (CY96A)

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AIR FORCE EVALUATION:

The Chief, Assignments Information Systems Branch, Directorate of Assignments, HQ AFPC/DPAIS1, states that based on OPRs contained in the applicant's OSF, the duty title and effective date were changed to reflect the requested entries.

A copy of the Air Force evaluation is attached at Exhibit C.

The Chief, BCMR and SSB Section, HQ AFPC/DPPPA, states that with regard to the duty title and assignment history effective date changes, AFPC/DPAIS1 made these corrections to the personnel data system (PDS); however, they (DPPPA) do not support reconsideration for promotion on these issues. These discrepancies were also listed on the Officer Selection Briefs (OSBs) reviewed by all three major promotion boards. The applicant states he discovered these errors in July 1996. Since these entries were on the OSBs reviewed by all three boards, then it is safe to assume that the same information was also on the officer preselection briefs (OPBs) sent to the applicant prior to each board. The OPB is sent to each eligible officer several months prior to a selection board and contains data that will appear on the OSB at the central promotion 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. In this case, the applicant provides no evidence that he attempted to correct the contested data prior to any of the boards.

With regard to the AFCM 10LC, in reviewing the applicant's Officer Selection Record (OSR), they noted the AFCM 10LC was filed on 7 May 1993--well in advance of the CY94A board. However, they noted the basic AFCM citation was missing. Since the applicant did not provide a copy of the citation, the applicant's servicing military personnel flight (MPF) forwarded a copy of the citation. 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 states 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. Even though the citation for the basic AFCM was not on file, the award was in evidence before the CY94A, CY95A and CY96A promotion boards. The decorations were listed on all three OSBs 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.

While it may be argued that the duty history discrepancies and missing basic AFCM citation were factors in the applicant's nonselection, there is no clear evidence that they negatively impacted his promotion opportunity. Central boards evaluate the entire OSR assessing whole person factors. They are not convinced the contested errors were the sole cause of the applicant's nonselection. The applicant could have communicated with the promotion Board President to inform him of the discrepancies. However, they have verified the applicant elected

not to exercise this entitlement on any of the boards. They recommend applicant's requests be denied.

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

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Applicant states, in summary, that the duty history errors may or may not have been a factor in his nonselection by the CY96A major selection board. However, the change does correct the record and could make a difference to how his career progression is interpreted.

By the AFCM citation not being available to the CY96A major selection board, they were not aware of the accomplishments which enabled him to achieve this medal. Although the board had knowledge of the award, they could not individualize the achievements contained in the award citation.

In response to the timeliness of his application, these discoveries were made after a visit to AFPC during the summer of 1996 to get a debrief on his OSB. He has always tried to thoroughly review his records throughout his career and had no reason to believe that a job title of program manager for only one month would be misinterpreted by anyone evaluating his records until after his nonselection for promotion.

A copy of the applicant's response is attached at Exhibit F.

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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 a thorough review of the evidence of record and applicant's submission, we are not persuaded that the applicant should be provided promotion consideration by a Special Selection Board. The Air Force has indicated that the 30 September 1996 duty title entry and the duty effective date of "2 Nov 89" have been changed based on the Officer Performance Reports (OPRs) in applicant's record. In addition, we note that contrary to the applicant's assertions, the citation accompanying the AFCM 10LC was a part of his OSF when it was reviewed by the CY94A selection board. The citation which was missing from the OSF was the one to accompany the basic AFCM; however, this award was reflected on the OSB.

The Air Force has indicated that this citation has been obtained and is a part of his OSF. Despite these discrepancies in applicant's OSF, it is our opinion that the board members were aware of his awards, correct duty title, and duty effective date when they reviewed his record. The Air Force also indicated that the central boards evaluate the entire officer record and it is highly unlikely that these discrepancies were the cause of his nonselection. After reviewing the evidence of record, we are in complete agreement with the comments of the Air Force. In view of the above, we are compelled to conclude that these discrepancies were harmless errors. Therefore, we find no basis upon which to recommend favorable action on this application.

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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.

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The following members of the Board considered this application in Executive Session on 26 August 1997, under the provisions of AFI 36-2603.

Mr. Robert D. Stuart, Panel Chairman  
Ms. Dorothy P. Loeb, Member  
Mr. Gary Appleton, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 14 Aug 96, w/atchs.
- Exhibit B. Applicant's Officer Selection Record.
- Exhibit C. Letter, HQ AFPC/DPAIS1, dated 10 Sep 96.
- Exhibit D. Letter, HQ AFPC/DPPPA, dated 18 Sep 96.
- Exhibit E. Letter, AFBCMR, dated 14 Oct 96.
- Exhibit F. Applicant's Letter, dated 12 Nov 96.



ROBERT D. STUART  
Panel Chairman



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

10 Sep 96

MEMORANDUM FOR AFBCMJR

FROM: HQ AFPC/DPAIS1  
550 C Street West, Suite 32  
Randolph AFB, TX 78150-4734

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

**Requested Action.** The applicant is requesting duty history corrections and an addition of a decoration to his OSB. We will address the duty history only. The remaining request will be forwarded to the appropriate office for action. He further requests special selection board consideration if any or all of the corrections are made.

**Reason for Request.** Applicant believes that the duty title entry for 30 Sep 89, [REDACTED] Program Manger", should be "[REDACTED]". Applicant also believes that the duty effective date "2 Nov 89" should be changed to reflect "16 Dec 89".

**Discussion.** Based on OPRs contained in the officer's selection folder, the duty title and effective date were changed to reflect the requested entries.

**Case Forwarded To.** Application has been forwarded to AFPC/DPPPAB.

**Point of Contact.** SSgt How, DPAIS1, ext 7-4453.

JAMES R. WEIMER, Major, USAF  
Chief, Assignments Information Systems Branch  
Directorate of Assignments

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

18 SEP 96

MEMORANDUM FOR AFBCMR

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

J JEC AF 36-2603 / ati [REDACTED]

Requested Action. The applicant makes three separate requests. We address each individually. In addition to these requests, he desires promotion reconsideration.

Basis for Request. Addressed individually.

Recommendation. Deny.

Facts and Comments.

a. The application is not timely filed. The contested duty history entries have been a matter of record for over *six* years, and the decoration issue is over three **years** old. The test to be applied is not merely whether the applicant discovered the errors within three years, but whether through due diligence, he could or should have discovered the errors (see OpJAGAF 1988/56, 28 Sep 88, and the cases cited therein). Clearly, the alleged errors upon which he relies have been discoverable since the errors allegedly occurred. Further, DoD Directive 1320.11 states, "A special selection board shall not...consider any officer who might, by maintaining reasonably careful records, have discovered and taken steps to correct that error or omission on which the original board based its decision against promotion." Therefore, we see no valid reason to waive the statute of limitations and consider the applicant's requests.

b. A similar application was not submitted under AFI 36-2401, Correcting Officer and Enlisted Evaluation Reports, as it would not have been appropriate.

c. The applicant was considered and nonselected below-the-promotion zone (BPZ) by the CY94A (22 Aug 94) (P0494A) and CY95A (5 Jun 95) (P0495A) major selection boards. He was also considered and nonselected in-the-promotion zone (IPZ) by the CY96A (4 Mar 96) major board (P0496A). If the AFBCMR decides in favor of the applicant, then promotion reconsideration by all three boards would be appropriate--even though the applicant did not request reconsideration by a specific board.

d. The governing directive is AFM 30-130, Base Level Military Personnel System.

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(OPBs) sent to the applicant prior to each board. The OPB is sent to each eligible officer several months prior to a selection board. The OPB contains data that will appear on the OPB 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). In this case, the applicant provides no evidence that he attempted to correct the contested data prior to any of the boards. Why did the applicant wait until now to have the error corrected? We believe the applicant had ample time to correct his record prior to not **only** the IPZ board, but the BPZ boards as well. We do not support reconsideration on the duty history corrections.

j. While it may be argued that the duty history discrepancies and missing basic AFCEM citation were factors in the applicant’s nonselection, there is no clear evidence that they negatively impacted his promotion opportunity. Central boards evaluate the entire **OSR** (including the promotion recommendation form, officer performance reports, officer effectiveness reports, training reports, letters of evaluation, decorations, and OSB), assessing whole person factors such as job performance, professional qualities, depth and breadth of experience, leadership, and academic and professional military education. We are not convinced the contested errors were the sole cause of the applicant’s nonselection.

k. Each officer eligible for promotion consideration is advised of the entitlement to communicate with the board president. The applicant could have used this means to inform the board president of the discrepancies in his **OSR**. However, we have verified the applicant elected not to exercise this entitlement on any of the boards.

Summary. Based on the evidence provided, we recommend denial.

  
JOYCE E. HOGAN  
Chief, BCMR and SSB Section  
Directorate of Pers Program Mgt



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