



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

Office of the Assistant Secretary

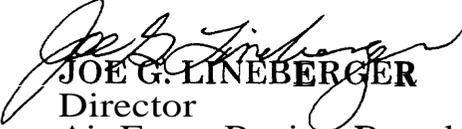
DEC 02 1997

AFBCMR 97-00286

MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED], be corrected to show that the **Enlisted Performance Report**, AF Form 910, rendered for the period 15 July 1993 through 14 March 1995, be, and hereby is, declared void and removed from his records.


JOE G. LINEBERGER
Director
Air Force Review Boards Agency

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-00286

COUNSEL: NONE

HEARING DESIRED: NO

DEC 02 1997

APPLICANT REQUESTS THAT:

The Enlisted Performance Report (EPR) rendered for the period 15 Jul 93 through 14 Mar 95 be corrected to reflect an overall rating of "5".

APPLICANT CONTENDS THAT:

According to feedback sessions and the Performance Feedback Worksheet (PFW) held with his supervisor all marks were to the far right and he had no indications that improvement was needed.

In support of the appeal, applicant submits a statement, dated 5 Jun 96, from the rater who states she was not previously aware of events that the applicant had accomplished,..until after the report was a matter of record and fellow supervisors had informed her of their exclusion. The applicant now provides another letter, dated 5 Jun 97, from the rater in which she now states, "His exemplary performance is reflected in all of this PFWs. Lack of knowledge on my part in how to properly evaluate a person's performance to determined a proper EPR rating led me to choose a rating lower than what the applicant should have received.," He also submits a statement from the indorser, dated 13 Jun 96, citing several of the applicant's accomplishments during the rating period. The indorser states upon learning of the EPR situation, he conducted a review of the past events and interviewed supervisors to ascertain the validity of the revisions on the contested EPR. He now believes the reaccomplished EPR more accurately reflects the applicant's accomplishments, and supports the request for replacement.

Applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

The applicant is currently serving, in the Regular Air Force in the grade of senior airman.

The applicant submitted a similar application under AFI 36-2401, Correcting Officer and Enlisted Evaluation Reports. The Evaluation Report Appeal Board was not convinced by the applicant's documentation and denied the appeal. Another individual initially appealed under AFI 36-2603 on behalf of the applicant requesting the contested EPR be replaced with a reaccomplished version. The application was returned to the applicant requesting that he submit a DD Form 149 with his signature. Instead of replacing the EPR with a reaccomplished version, he is now requesting that the EPR be upgraded to a 5. A copy of the first DD Form 149 is attached.

EPR profile since 1995 reflects the following:

PERIOD ENDING	EVALUATION OF POTENTIAL	
*14 Mar 95	--	4
14 Mar 96		5
14 Mar 97		5

*Contested Report

AIR FORCE EVALUATION:

The Acting Chief, Appeals and SSB Branch, AFPC/DPPPA, reviewed this application and states that the rater must have been aware of the applicant's career development course (CDC) performance since she would have been both his trainer and the one to initiate upgrade action following the CDC completion. They state that while the PFWs provided by the applicant have complimentary comments on them, they note that not one of them has markings to the far right in Section III which indicates to them that there was some room for improvement in the applicant's performance. Furthermore, while they realize the promotion recommendation in section IV of the report is intended to compare the ratee with others of the same grade and similar duties, they note the markings on the front side in section III are commensurate with the promotion recommendation. Even further, the indorser concurred and signed the report as rendered. Evaluation reports are considered accurate as written unless substantial evidence to the contrary is provided; and as such, they receive exhaustive reviews prior to becoming a matter of record. Reports can be rewritten to be more hard hitting, to provide embellishments, or enhance the ratee's promotion potential; but the time to do that is before it becomes a matter of record. The appeals process does not exist to recreate history or enhance chances for promotion. However, they are not convinced the contested report is not accurate as written. Therefore, they recommend denial of applicant's request for removal and replacement.

A complete copy of the evaluation is attached at Exhibit C.

The Chief, Inquiries/AFBCMR Section, AFPC/DPPPWB, also reviewed this application and states that should the Board void the contested report in its entirety, upgrade the overall rating, or make any other significant change, providing the applicant is otherwise eligible, the applicant will be entitled to supplemental promotion consideration commencing with cycle 96E5.

A complete copy of their evaluation is attached at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to applicant on 7 July 1997 for review and response within 30 days. 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 laws or regulations.
2. The application was timely filed.
3. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After reviewing the supporting documentation submitted by the applicant, we believe the contested report is not an accurate assessment of applicant's performance during the period in question. The rater, in her statement dated 5 Jun 96, states she was not previously aware of events that the applicant had accomplished, . . . until after the report was a matter of record and fellow supervisors had informed her of their exclusion. The rater, in another statement dated 5 Jun 97, now states, "His exemplary performance is reflected in all of his PFWs. Lack of knowledge on my part in how to properly evaluate a person's performance to determine a proper EPR led me to choose a rating lower than what the applicant should have received." The applicant also submits a statement from the indorser, dated 13 Jun 96, citing several of the applicant's accomplishments during the rating period. The indorser states upon learning of the EPR situation, he conducted a review of the past events and interviewed supervisors to ascertain the validity of the revisions on the contested EPR; and he now believes the reaccomplished EPR more accurately reflects the applicant's accomplishments, and supports the request for replacement. In view of the foregoing, and in an effort to offset any possibility of an injustice, we believe the contested EPR should be declared void and removed from his records.

THE BOARD RECOMMENDS THAT:

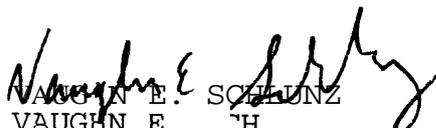
The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that the Enlisted Performance Report, AF Form 910, rendered for the period 15 Jul 93 through 14 Mar 95, be declared void and removed from his records.

The following members of the Board considered this application in Executive Session on 6 November 1997, under the provisions of AFI 36-2603:

Mr. Vaughn E. Schlunz, Panel Chairman
Mr. Kenneth L. Reinertson, Member
Mr. Richard A. Peterson, Member
Ms. Phyllis L. Spence, Examiner (without vote)

All members voted to correct the records, as recommended. The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 5 Jun 97.
Exhibit B. Applicant's Master Personnel Records.
Exhibit C. Letter, AFPC/DPPPA, dated 20 Jun 97.
Exhibit D. Letter, AFPC/DPPPWB, dated 5 Feb 97.
Exhibit E. Letter, AFBCMR, dated 7 Jul 97.


VAUGHN E. SCHLUNZ
VAUGHN E. "H"
Panel Chairman



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



5 FEB 1997

MEMORANDUM FOR AFPC/DPPPAB
AFBCMR
IN TURN

FROM: HQ AFPC/DPPPWB
550 C Street West, Ste 8
Randolph AFB TX 78150-4711

SUBJECT: Application for Correction of Military Records ~~_____~~

Requested Action. The applicant is requesting the AFBCMR substitute his Enlisted Performance Report (EPR) closing 14 Mar 95 with one he has included with his application. We will address the supplemental promotion consideration issue should the request be approved.

Reason for Request. Applicant believes the contested report is unjust.

Facts. See AFPC/DPPPAB Ltr.

Discussion. The first time the contested report was considered in the promotion process was cycle 96E5 to staff sergeant (promotions effective Sep 96 - Aug 97). Should the AFBCMR void the contested report in its entirety, upgrade the overall rating , or exchange the reports as requested, providing he is otherwise eligible, the applicant will be entitled to supplemental promotion consideration beginning with cycle 96E5. The applicant will not become a selectee during this cycle if the AFBCMR grants the request. The subject report will not be considered again in the promotion process until cycle 97E5. Promotions for this cycle will be accomplished during the Aug 97 time frame.

Recommendation. We defer to the recommendation of AFPCDPPPAB.



TONY R. MERRITT
Chief, Inquiries/AFBCMR Section
Airman Promotion Branch

9700286



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



MEMORANDUM FOR AFBCMR

JUN 20 1997

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

SUBJECT: 36-2603 [REDACTED]

Requested Action. The applicant requests correction of the 14 Mar 95 enlisted performance report (EPR) to reflect an overall rating of "5." (This is the applicant's initial report.)

Basis for Request. The applicant states the performance feedback he received during the rating period did not indicate there was any improvement needed.

Recommendation. Deny.

Facts and Comments.

a. The application is timely filed. A similar application was submitted under AFI 36-2401, Correcting Officer and Enlisted Evaluation Reports. The Evaluation Report Appeal Board was not convinced by the applicant's documentation and denied the appeal. A copy of HQ AFPC/DPPPAE's decision letter, dated 10 Jul 96, is attached for the AFBCMR's review. Another individual initially appealed under AFI 36-2603 on behalf of the applicant requesting the contested EPR be replaced with a reaccomplished version. The application was returned to the applicant requesting that he submit a DD Form 149 with his signature. Instead of replacing the EPR with a reaccomplished version, he is now requesting that the EPR be upgraded to a "5." We have attached a copy of the first DD Form 149 and attachments for the AFBCMR's review. Even though we make mention of the reaccomplished report in this advisory, it is really irrelevant at this point since the applicant now desires to have the original report upgraded.

b. The governing directive is AFI 36-2403, Enlisted Evaluation System, 15 Jul 94.

c. The contested EPR is an overall "4" with five of the seven performance factors in section III marked down one block to the left. The reaccomplished version provided in the original appeal of the EPR is an overall "5" with two of the seven performance factors marked down one block to the left. We note the evaluators' comments on the proposed EPR have been completely reworded.

d. In support of his appeal (included with AFI 36-2401 appeal), the applicant provides a letter, dated 5 Jun 96, from the rater who states she was "not previously aware of events that he (the applicant) had accomplished,...,until after the report was a matter of record and fellow supervisors had informed (her) of their exclusion." The applicant now provides another letter, dated 5 Jun 97, from the rater in which she now states, "His exemplary performance is reflected in all of his Performance Feedback Sessions/Worksheets [PFW]. Lack of knowledge on my part in how to properly evaluate a person's performance to determined a proper EPR rating led me to choose a rater lower than what (the applicant) should have received." However, as pointed out by HQ AFPC/DPPPAE, the rater must have

9700286

been aware of the applicant's career development course (CDC) performance since she would have been both his trainer and the one to initiate upgrade action following the CDC completion. While the PFWs provided by the applicant have complimentary comments on them, we note that not one of them has markings to the far right in Section III which indicates to us that there was some room for improvement in the applicant's performance. Further, while we realize the promotion recommendation in section IV of the report is intended to compare the ratee with others of the same grade and similar duties, we note the markings on the front side in section III are commensurate with the promotion recommendation. Even further, the indorser concurred and signed the report as rendered.

e. The applicant also included a letter, dated 13 Jun 96, from the indorser who cites several of the applicant's accomplishments during the rating period. Upon learning of the "EPR situation," the indorser states he conducted a review of the past events and interviewed supervisors to ascertain the validity of the revisions on the contested EPR. He now believes the reaccomplished EPR more accurately reflects the applicant's accomplishments, and he supports the request for replacement.

f. Evaluation reports are considered accurate as written unless substantial evidence to the contrary is provided. As such, they receive exhaustive reviews prior to becoming a matter of record. Any report can be rewritten to be more hard hitting, to provide embellishments, or enhance the ratee's promotion potential. But the time to do that is before the report becomes a matter of record. None of the supporters of the applicant's appeal explain how they were hindered from rendering a fair and accurate assessment of the applicant's performance prior to the report being made a matter of record. The appeals process does not exist to recreate history or enhance chances for promotion. It appears this is exactly what the applicant is attempting to do--recreate history. As such, we are not convinced the contested report is not accurate as written and do not support the request for removal and replacement.

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



Joyce E. Hogan

JOYCE E. HOGAN

Acting Chief, Appeals and SSB Branch
Directorate of Pers Program Mgt

9700286

10 July 1996

MEMORANDUM FOR 81 MSS/DPMPE

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

SUBJECT: AFI 36-2401 Decision: [REDACTED]
EPR closing 14 Mar 95

The Evaluation Reports Appeal Board (ERAB) denied the attached appeal application. The board considers an evaluation report to be an accurate assessment when rendered; therefore, substantial evidence is required to challenge a report's accuracy. As you are aware, the Military Personnel Flight is responsible for providing members counseling on their application submitted under AFI 36-2401. As such, to assist you in counseling the applicant, this letter provides our assessment of the application submitted by [REDACTED] on behalf of [REDACTED]. We believe the Board wasn't convinced by the documentation submitted. The substitute report contains little new performance related accomplishments, and for those few new ones which are listed, it is difficult to understand how the rater would not have been aware of them. For example, she must have been aware of [REDACTED] CDC performance since she would have been both his trainer and the one to initiate upgrade action following the CDC completion. A willingness by evaluators to change or void a report isn't a valid basis for doing so unless there is also clear evidence of error or injustice being involved. Retrospective views of how a report may affect future career opportunities isn't a legitimate reason for its removal. Finally, the reviewing commander on the substitute EPR has been changed. Unless there is a compelling reason not to, the substitute report must be reviewed by the same commander who reviewed and concurred with the original EPR.

After counseling, please provide this letter announcing the Board's decision to [REDACTED] and [REDACTED]. They may gather new material evidence and reapply under AFI 36-2401, but

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the original documentation submitted with this appeal should be included with the new application. While we cannot guarantee a favorable decision will result from the additional evidence submitted by the member, we will ensure the case is processed as fast as possible. Another avenue available is to appeal under AFI 36-2603 (formerly AFR 31-3) to the Air Force Board for Correction of Military Records.

SIGNED

FRANCIS L. HUTTER, CMSgt, USAF
Chief, Evaluation Reports Appeals Section
Directorate of Pers Prgm Mgt

