



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

Office of the Assistant Secretary

OCT 22 1997

AFBCMR 97-00826

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 considered for promotion to the grade of captain by a Special Selection Board for the CY 1996 Central Captain Selection Board, which convened on 9 September 1996.


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: 97-00826

COUNSEL: NONE

HEARING DESIRED: NO

OCT 22 1997

APPLICANT REQUESTS THAT:

He be granted a waiver for the six-month active duty requirement for promotion consideration to the grade of captain (O-3); and, that his name be added to the FY97 captain promotion list.

APPLICANT CONTENDS THAT:

He had enough time-in-grade to meet the September 1996 Captain Promotion Board, but he did not have six months on active duty. If the active duty requirement is waived, he would be eligible for promotion to captain upon completion of his two years time-in-grade as a first lieutenant (O-2).

In support of his request, applicant submits copies of his Statement of Service, NGB Form 22 (Report of Separation and Record of Service), DD Form 214, and additional documents associated with the issues cited in his contentions (Exhibit A).

STATEMENT OF FACTS:

Information extracted from the applicant's submission indicates that on 16 October 1992, he was appointed a second lieutenant (O1), [REDACTED] Air National Guard [REDACTED] ANG), Reserve of the Air Force (ResAF), and was subsequently promoted to first lieutenant (O2), [REDACTED] ANG, ResAF, with the date of rank of 20 April 1995. On 27 March 1993, the applicant entered active duty for the purpose of attending training. On 30 March 1995, he was released from required active duty training, under the provisions of AFR 35-41, Vol II (completion of active duty), with 2 years and 4 days of active duty service at the time of release.

On 2 July 1996, applicant was relieved from his assignment with the [REDACTED] ANG and honorably discharged from the [REDACTED] ANG, ResAF. He had completed a total of 3 years, 8 months and 17 days of service at the time of his separation. Effective 3 July 1996, he was appointed in the Regular Air Force and entered into extended

active duty (EAD) on 6 July 1996 in the grade of first lieutenant, with the date of rank of 9 July 1995.

Through further research with HQ AFPC/DPPPO, they indicated that the CY96 Captain Line Board convened on 9 September 1996.

AIR FORCE EVALUATION:

The Directorate of Personnel Program Management, HQ AFPC/DPPPO, stated that the active duty promotion eligibility criteria as outlined in AFI 36-2501, attachment 2, states "Officers are not eligible for consideration by a selection board or for promotion if they: have not been on extended active duty at least six consecutive months immediately before the central selection board's convening date." Due to the applicant's EAD of 6 July 1996, he was ineligible to meet the CY96 captain board due to not having six consecutive months on extended active duty. On 2 May 1997, the Secretary of the Air Force approved eliminating the six-month EAD requirement for all line first lieutenants meeting promotion boards when the promotion opportunity is 100 percent. DPPPO recommended that the applicant's request for a waiver of the six-month active duty requirement for promotion board consideration be approved. DPPPO recommended that applicant's request to be added to the CY97 captain promotion list be denied. If the Board agrees with DPPPO's recommendation to waive the six-month active duty requirement, the applicant should then be placed before the next available Special Selection Board (SSB) for promotion consideration to captain by the CY96 Captain Line Board. The applicant will then be afforded fair and equitable opportunity for future promotions along with his peers.

In DPPPO's amended advisory opinion, they indicated that, on 2 May 1997, the Secretary of the Air Force approved eliminating the six-month EAD requirement for all line first lieutenants meeting promotion boards when the promotion opportunity is 100 percent.

Copies of the evaluations are appended at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to applicant on 14 April 1997 for review and response. As of this date, no response has been received by this office (Exhibit D).

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
 2. The application was timely filed.
 3. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. Having carefully reviewed this application, we agree with the recommendation of the office of primary responsibility (OPR) that the applicant's waiver request should be approved. Notwithstanding, we disagree with the applicant's request for direct promotion. We believe the applicant will be afforded proper and fitting relief by meeting a Special Selection Board (SSB) for promotion consideration to the grade of captain. We therefore conclude that the applicant's records should be corrected in the following manner.
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THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT be considered for promotion to the grade of captain by a Special Selection Board for the CY 1996 Central Captain Selection Board, which convened on 9 September 1996.

The following members of the Board considered this application in Executive Session on 15 July 1997, under the provisions of AFI 36-2603:

Mr. Wayne R. Gracie, Panel Chairman
Ms. Sophie A. Clark, Member
Mr. Michael P. Higgins, Member

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

- Exhibit A. DD Form 149, dated 28 Feb 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letters, HQ AFPC/DPPPO, dated 27 Mar 97 and 25 Jun 97.
- Exhibit D. Letter, SAF/MIBR, dated 14 Apr 97.

Wayne R. Gracie

WAYNE R. GRACIE
Panel Chairman



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

U.S. AIR FORCE



27 Mar 7 - 1997

MEMORANDUM FOR AFBCMR

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

SUBJECT: Application for Correction of Military Record [REDACTED]

Requested Action. Applicant requests waiver for active duty requirement for promotion to captain and to be added to the promotion list.

Basis for Request: Applicant bases his request on his contention he had enough time in grade to meet the September 1996 captain board but did not have six months on active duty.

Discussion:

a. Applicant was separated from the ANG on 2 Jul 96 as a first lieutenant with a date of rank of 20 Apr 95. The evidence provided by the applicant suggests he was not considered for promotion in the ANG. Whether he should have been considered prior to his separation may be best answered by the NGB and is outside the purview of this advisory.

b. The applicant was accessed into active duty (EAD) on 6 Jul 96 as a first lieutenant with a date of rank (DOR) of 20 Apr 95. This information is correct, accurate, and verified. The Voluntary Reserve Officer EAD Program for Navigators and Electronic Warfare Officers Information Sheet, paragraph 4b advised the applicant, "Eligibility for promotion consideration to the next higher grade will depend on the officer's established DOR after return to EAD. (1) Timing of return to EAD affects promotion consideration since an officer is ineligible for promotion unless he or she has served at least six months of continuous active duty commissioned service immediately prior to the board."

c. The active duty promotion eligibility criteria as outlined in AFI 36-2501, attachment 2 states, "Officers are not eligible for consideration by a selection board or for promotion if they: (A2.5.3) Have not been on extended active duty at least six consecutive months immediately before the central selection board's convening date." Given the DOR of 26 May 95, the applicant would have been normally eligible and scheduled for promotion consideration by the next available board. However, due to the applicant's EAD of 6 Jul 96, he was ineligible to meet the CY96 captain board due to not having six consecutive months on extended active duty. Therefore, the applicant will be scheduled for and will meet the next available captain selection board or CY97.

d. Further, Title 10, U.S.C, section 616d states, "an officer on the active duty list may not be promoted to a higher grade under this chapter unless he is considered and recommended for promotion to that grade by a selection board convened under this chapter (chapter 36)." Since the applicant has not been considered nor recommended for promotion to captain due to eligibility requirements established by AFI 36-2501, the applicant cannot be promoted to captain.

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