

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

FEB 10 1998

IN THE MATTER OF:

DOCKET NUMBER: 96-03429

COUNSEL: None

HEARING DESIRED: No

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APPLICANT REQUESTS THAT:

1. She be allowed to join the Air Force Reserves and finish her twenty years to be eligible to retire.
2. Her Officer Selection Brief (OSB) for the Calendar Year 1991A (CY91A) Major Board be corrected to show she completed Squadron Officer School (SOS).
3. Her Promotion Recommendation Form (PRF) for the CY91A Major Board be corrected to show a Definitely Promote (DP).
4. She be considered for promotion to the grade of major by Special Selection Board (SSB) for the Calendar Year 1991A (CY91A) Major Board.
5. If selected for promotion to the grade of major by SSB for CY91A Major Board, she be allowed to separate from the Air Force either through the Voluntary Separation Incentive (VSI) Program or Special Separation Benefits (SSB) Program.

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APPLICANT CONTENDS THAT:

Her promotion records were not updated to reflect her completion of SOS. When she checked with MPC after her non-selection they didn't have the information recorded on her promotion records although they felt the information was given to the promotion board; however, they could not prove or provide proof of this fact. She was suppose to receive a copy of her promotion recommendation form (PRF) prior to the CY91A Board, although she was told she was receiving a definitely promote (DP). Additionally, she met the promotion recommendation board at the Office of the Assistant Secretary of Defense (OASD); however, she

was actually assigned to Defense Logistics Agency (DLA), but they didn't want her as part of their promotion recommendation selection board, so she was unofficially given to OASD. She received a promote (P) and only received a copy of her PRF after she requested it. It was sent to her after the promotion board had closed.

Applicant's complete submission is attached at Exhibit A.

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STATEMENT OF FACTS:

Applicant was considered and not selected for promotion to the grade of major by the CY91A and CY92C Major Boards. Based on her second nonselection applicant separated 31 August 1993.

Applicant's DD Form 214, Certificate of Release or Discharge from Active Duty, Narrative Reason for Separation, has been changed to read Non-Selected Permanent Promotion.

OER/OPR profile since 1987, follows:

	<u>PERIOD ENDING</u>	<u>EVALUATION OF POTENTIAL</u>
	15 Apr 87	1-0-1
	15 Apr 88	1-1-1
	15 Apr 89	Meets Standards
	15 Apr 90	Meets Standards
#	15 Apr 91	Meets Standards
##	15 Apr 92	Meets Standards
	15 Apr 93	Meets Standards

# Top report at time of CY91A board.

## Top report at time of CY92C board.

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AIR FORCE EVALUATION:

The Chief, Career Opportunities Division, ARPC/DAO(DPRB), reviewed the application and states that Regular commissioned officers twice non-selected for promotion are not eligible for a reserve appointment without first processing a waiver through HQ ARPC/DAO. This waiver request should be processed prior to separation but no later than one year from the original date of separation. The only other option for reserve appointment would be through a direct appointment program as outlined in AFI 36-2005. To process the applicant for a direct appointment, first there would have to be an approved assignment in a specialty

identified as critical or equivalent (i.e., in the medical field, or in 11XX, 12XX, 62XX, 32XX specialties). The applicant's specialty prior to discharge was in the 79XX and 09XX field (Public Affairs and Recruiting Officer). Therefore, the applicant is ineligible for a direct appointment. The applicant's discharge was appropriate. Therefore, they recommend denial of applicant's request.

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

The Chief, Programs and Procedures Branch, AFPC/DPPRP, reviewed the application and states that applicant requests, if promoted to major, that she be separated under the VSI/SSB program. As a Regular Captain, once deferred by the CY91 Major Central Promotion Selection board, she was afforded and eligible for VSI/SSB in the FY92/93 programs. For whatever reason, applicant did not apply, which resulted in her second nonselection for promotion and involuntary separation from the Air Force. Therefore, if applicant is granted an SSB and is again nonselected for promotion, they do not believe she is entitled to a VSI/SSB election. However, if she is granted an SSB and selected for promotion to major, they have no objection to her receiving a VSI/SSB separation in that grade. Therefore, they recommend denial of applicant's request.

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

The Chief, Appeals and SSB Branch, AFPC/DPPPA, reviewed the application and states that the applicant contends her OSB was not updated to reflect her completion of SOS. Applicant states she checked with AFPC (then AFMPC) after her notification of nonselection and "they didn't have the information recorded on her promotion records although they felt the information was given to the promotion board; however, they could not prove or provide proof of this fact." In researching the contention, they pulled a copy of her OSB from the microfiche and noted that SOS completion is, in fact, annotated on her OSB. They must point out that the date on the OSB is after the original board which might lead one to believe that this information could have been updated in between the time the board concluded and the time the microfiche was run. This is not the case. The information on the OSB was frozen in the personnel data system (PDS) after the final printing of the OSB and then it was captured on microfiche subsequent to the board. They feel confident the board was aware of the applicant's SOS completion. The applicant contends she did not receive a copy of her PRF prior to the board. She states she was told she was receiving a definitely promote but found out

later she had earned a promote recommendation. She further contends she met the promotion recommendation board as assigned to the OASD when she was, instead, assigned to DLA, but they didn't want her as part of their promotion recommendation selection board, so she was unofficially given to OASD. In researching this, they retrieved a copy of her PRF from microfiche included with her records and noted that it was signed by the senior rater who signed the officer performance reports (OPRs) closing 15 April 1990 and 15 April 1991 (the 15 April 1991 OPR was the top OPR on file when her record was considered by the CY91A board). These OPRs indicate the applicant was, indeed, assigned to OASD. Without evidence to the contrary, it appears the appropriate senior rater signed the report. Therefore, they recommend denial of applicant's request.

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

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the Air Force evaluations and states that in response to the AFPC/DPPA evaluation the Air Force still cannot prove 100% that the SOS information was included in her records and presented to the promotion board. The Air Force does not support reconsideration on this issue, which admits uncertainty on the part of the Air Force. In regard to her assignment, the Air Force failed to check two important documents - the documents for manning for the Air Force for that position at that time and the documents at DLA which shows the manning for that period. Also, if they checked further they would see that all of her administrative support was provided by DLA. She was even required to provide support to them during Desert Storm. If she were assigned to OASD would she not have received joint tour credit?

In response to the AFPC/DPPRP evaluation she states that in regard to VSI/SSB program, she didn't take the VSI/SSB the first time because she felt she would be able to resolve the issue of the PRF before the second board met and not have to worry about separating from the Air Force. She gambled and lost.

In response to the HQ ARPC/DAO (DPRB) evaluation applicant states that she was not aware of the fact that regular commissioned officers twice non-selected for promotion are not eligible for a reserve appointment without first processing a waiver until she attempted to apply to join the reserves. If there is not an actual need for her former career field, why then after more than

Jobline for reserve officers in the 79XX field? Joining the reserves is something she still would like to do; however, she would be content just to meet a special selection board at this point.

Applicant's complete response, with attachments, is attached at Exhibit G.

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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 not timely filed; however, it is in the interest of justice to excuse the failure to timely file.
3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. In regard to applicant's request she be allowed to join the Air Force Reserves and finish her twenty years to be eligible to retire, we note she does not meet the eligibility requirements for this appointment. In regard to her request that the CY91A OSB be corrected to show she completed SOS, we note that the Air Force states SOS completion is, in fact, annotated on her OSB. Therefore, no further action by this Board is required. Applicant requests her CY91A PRF be corrected to show a DP. She states she was told she was receiving a DP but found out later she had earned a Promote recommendation. She further contends she met the promotion recommendation board as assigned to the Office of the Assistant Secretary of Defense (OASD) when she was, instead, assigned to Defense Logistics Agency (DLA), but they didn't want her as part of their promotion recommendation selection board, so she was unofficially given to OASD. The Board is of the opinion that without proper documentation to substantiate applicant's claims, her request cannot be favorably considered. In view of the above findings, and in the absence of evidence to the contrary, we find no compelling basis to recommend granting the relief sought in 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 13 January 1998, under the provisions of AFI 36-2603:

Mrs. Barbara A. Westgate, Panel Chair  
Mr. Robert W. Zook, Member  
Mr. Allen Beckett, Member  
Ms. Gloria J. Williams, Examiner (without vote)

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 25 Oct 96, w/atchs.  
Exhibit B. Applicant's Master Personnel Records.  
Exhibit C. Letter, ARPC/DAO (DPRB), undated.  
Exhibit D. Letter, AFPC/DPPRP, dated 8 Apr 97.  
Exhibit E. Letter, AFPC/DPPPA, dated 20 May 97.  
Exhibit F. Letter, AFBCMR, dated 7 Jul 97.  
Exhibit G. Applicant's Response, dated 5 Aug 97, w/atchs.

  
BARBARA A. WESTGATE  
Panel Chair



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



APR 08 1997

MEMORANDUM FOR HQ ARPC  
AFBCMR  
IN TURN

FROM: HQ AFPC/DPPRP  
550 C Street West, Suite 11  
Randolph AFB TX 78150-4713

SUBJECT: Application for Correction of file [REDACTED]

The applicant, while serving in the regular grade of captain, was twice not selected for promotion to the grade of major. As a result, she was involuntarily discharged on 31 Aug 93 under the provisions of AFI 36-3207, Non-selected, Permanent Promotion. Officer was discharged with an honorable discharge. She had 13 years 06 months and 17 days active service.

Requested Action. The applicant is requesting removal of the statement "Involuntary Discharge: Twice non-selected for Promotion" from her DD Form 214. She states that she uses this document for other things and it is embarrassing to have to explain what she did and how she is not a "slug" that statement makes her out to be. She claims she was told by Air Force personnel, that it is not necessary to have that statement on her DD Form 214. Applicant also requests that she be allowed to join the Air Force Reserves in order for her to complete 20 years and be eligible for retirement. We defer that issue to HQ Air Reserve Personnel Center (ARPC) for their review and comments. Finally, the applicant requests that if she is promoted to major by authority of the AFBCMR, she would desire to separate under either the Voluntary Separation Incentive (VSI) program or the Special Separation Benefits (SSB) program.

Discussion.

a. Applicant was considered but not selected for promotion to major for the second time by the P04 92C Major board and was given a mandatory date of separation of 31 Aug 93. The case has been reviewed for separation processing and there no errors or irregulars causing an injustice to the applicant. However, the narrative reason for discharge is incorrect and should read "Non-Selected Permanent Promotion". Administrative relief will be taken and AFPC/DPPRSO will prepare a corrected DD Form 214, and furnish a copy to the applicant. It is unfortunate the applicant feels she is a "slug" and that others perceive her as such due to nonselection for promotion. The fact of the matter is that many fine officers fail promotion selection, due to the vary competitive nature of the process. She likely did not fail promotion due to a weak record, but rather due to her record not being as competitive as many of her peers. She should be proud of her career, and not allow that pride to be diminished by her nonselection in an extremely competitive process.

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b. Applicant requests, if promoted to major, that she be separated under the **VSUSSB** program. As a Regular Captain, once deferred by the CY 91 Major Central Promotion Selection board, she was afforded and eligible for **VSUSSB** in the FY 92/93 programs. For whatever reason, applicant did not apply, which resulted in her second nonselection for promotion and involuntary separation from the Air Force. Therefore, if applicant is granted a Special Selection board (**SSB**) and is again nonselected for promotion, we do not believe she is entitled to a **VSUSSB** election. However, if she is granted an **SSB** and selected for promotion to major, we have no objection to her receiving a **VSUSSB** separation in that grade.

Conclusion and Recommendation. Applicant did identify an error in the DD Form 214 and corrective action is being taken by administrative relief. Her request to be separated under the **VSUSSB** programs should be denied since she did not elect to separate under those programs when given the opportunity. We have referred this application to AFPC/DPPP for an advisory concerning the Promotion Recommendation Form and other promotion issues she raises. She has not filed a timely request.



Chief, Programs and Procedures Branch  
Dir, Personnel Programs Management



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



20 MAY 97

MEMORANDUM FOR AFBCMR

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

SUBJECT: AFI 36-2603 Application—

Requested Action. The applicant makes several requests. We address only the issues regarding her promotion reconsideration and promotion recommendation form (PRF). In that regard, the applicant requests promotion reconsideration by the CY91A (8 Jul 91) major board (P0491A).

Basis for Request. The applicant contends her Squadron Officer School (SOS) completion was not considered by the board. She further contends she did not receive a copy of her PRF prior to the board.

Recommendation. Time bar. If, however, the AFBCMR considers, then we recommend denial due to lack of merit.

Facts and Comments.

a. The application is not timely filed. The test to be applied is not merely whether the applicant discovered the error within three years, but whether through due diligence, she could or should have discovered the error(s) (see OpJAGAF 1988/56, 28 Sep 88, and the cases cited therein). Clearly, the alleged error(s) upon which she relies have been discoverable since she was first considered for promotion in 1991. 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. We did not return the application since the applicant is no longer on active duty and she does not have evaluator support.

c. The governing directive is AFR 36-10, Officer Evaluation System, 1 Aug 88.

d. The applicant was considered and nonselected by the P0491A and CY92C (7 Dec 92) major-boards. As a result, she was involuntarily separated on 31 Aug 93.

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e. The applicant contends her officer selection record **OSB** was not updated to reflect her completion of SOS. She states she checked with AFPC (then AFMPC) after her notification of nonselection and “they didn’t have the information recorded on (her) promotion records although they felt the information was given to the promotion board; however, they could not prove or provide proof of this fact.” In researching the contention, we pulled a copy of her **OSB** from the microfiche (atch 1) and noted that **SOS** completion is, in fact, annotated on her **OSB**. We must point out that the date on the **OSB** is after the original board which might lead one to believe that this information could have been updated in between the time the board concluded and the time the microfiche were run. This is not the case. The information on the **OSBs** was frozen in the personnel data system (PDS) after the final printing of the **OSBs** and then it was captured on microfiche subsequent to the board. We feel confident the board was aware of the applicant’s SOS completion. We do support reconsideration on this issue.

f. The applicant contends she did not receive a copy of her PRF prior to the board. She states she was told she was receiving a “Definitely Promote (DP)” but found out later she had earned a “Promote” recommendation. She further contends she met the promotion recommendation board as assigned to the Office of the Assistant Secretary of Defense (OASD) when she was, instead, assigned to Defense Logistics Agency (DLA), but “they didn’t want (her) as part of their promotion recommendation selection board, so (she) was unofficially given to OASD.” In researching this, we retrieved a copy of her PRF from microfiche included with her records and noted that it was signed by the senior rater who signed the officer performance reports (OPRs) closing 15 Apr 90 and 15 Apr 91 (the 15 Apr 91 OPR was the top OPR on file when her record was considered by the P0491A board). These OPRs indicate the applicant was, indeed, assigned to OASD. Without evidence to the contrary, it appears the appropriate senior rater signed the report. We do not support reconsideration on this issue.

g. Regarding the untimeliness of this appeal, the applicant fails to provide any reasonable explanation for waiting more than six years before filing this appeal. She states she discovered the alleged errors while she still on active duty, but could not get the evaluator support required to appeal. She further states she was “devastated and ashamed of the way (she) had to leave the Air Force that for the last three years (she) was not emotionally able to deal with the situation.” It is apparent there is nothing in this case that was not discoverable at the time of the contested report. She has provided no legitimate reason, in fact, no reason whatsoever, for having waited until now to file this appeal. It is clear the applicant was not forced to endure any unique requirements on her time for a period of six straight years. Even after promotion nonselection, the applicant delayed filing an appeal for over three years after her separation.

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Summary. We recommend this application be time barred from consideration. If, however, the AFBCMR considers, then we recommend denial due to lack of merit.

[REDACTED]

Chief, Appeals and SSB Branch  
Directorate of Pers Program Mgt

[REDACTED]

[REDACTED]

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DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR RESERVE PERSONNEL CENTER

MEMORANDUM FOR AFBCMR  
1535 Command Drive  
EE Wing 3rd Floor  
Andrews AFB MD 20331-7002

FROM: HQ ARPC DAO (DPRB)  
6760 E Irvington Pl#2200  
Denver CO 80280-2200

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

1. The requested correction cannot be accomplished administratively at this headquarters.
2. The applicant makes several requests. We will address only the applicants request to join the Air Force Reserve and finish twenty years of service.
3. An analysis of the case indicates the applicant was involuntarily discharged from active duty due to twice considered but not selected for promotion to major. Since the time of discharge. 31 August 1993. the applicant has not held a commission.
4. Regular commissioned officers twice non-selected for promotion are not eligible for a reserve appointment without first processing a waiver through HQ ARPC DAO. This waiver request should be processed prior to separation but no later than one year from the original date of separation (AFI 36-2005, table 2.2, item 25 and chapter 2, paragraph 2.3.4.2).
5. The only other option for reserve appointment would be through a direct appointment program as outlined in AFI 36-2005. To process the applicant for a direct appointment, first there would have to be an approved assignment in a specialty identified as critical or the equivalent (i.e. in the medical field, or in 11XX, 12XX, 62XX, 32XX specialties). The applicant's specialty prior to discharge was in the 79XX and 09XX field ( Public Affairs and Recruiting Officer). Therefor. the applicant is ineligible for a direct appointment.

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6. The applicant's discharge was appropriate. Recommend that the applicant's request for correction of military record be disapproved since the eligibility requirements have not been met, as outlined in AFI 36-2005, for appointment.

7. If you have any questions, please contact SSgt Endicott. E-mail [dendicot@arpc.emh1.den.disa.mil](mailto:dendicot@arpc.emh1.den.disa.mil) at HQ ARPC DAO, DSN 926-6443, or toll free 1-800-525-0102 extension 291.



Chief, Career Opportunities Division

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