



DEPARTMENT OF THE AIR FORCE

WASHINGTON, DC

DEC 07 1998


Office of the Assistant Secretary

AFBCMR 97-01161

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 NGB Form 26, Department of the Army and Air Force, National Guard Bureau, ANG Active Duty Performance Rating, rendered for the period 1 March 1995 to 28 February 1996 be, and hereby is, declared void and removed from her records.


Director
Air Force Review Boards Agency

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-01161 **DEC 07 1998**

[REDACTED]
[REDACTED]
COUNSEL: None

HEARING DESIRED: No

APPLICANT REQUESTS THAT:

The Air National Guard (ANG) Active Duty Performance Rating, National Guard Bureau (NGB) Form 26, rendered for the period 1 March 1995 to 28 February 1996 be removed from her records.

APPLICANT CONTENDS THAT:

She worked in the Maintenance Function of the 167 Airlift Wing for five years when she was selected for the Operations Group Admin position in the Operations Function in May 1995. She had her 7 level in her current Air Force Specialty Code (AFSC) and had no trouble adjusting to the new position. During this period her supervisor never had reason to counsel her. When it came time for her appraisal in February 1996, her supervisor gave her an overall rating of satisfactory. Before that time, she had only received excellent ratings. She asked him if there was a problem or reason that her appraisal fell to a satisfactory. He told her the Air Operations Officer (his direct supervisor) had a policy and simply would not back down. The Air Operations Officer felt that individuals relatively new to the squadron should be given something "to strive for." She asked for clarification by asking "so you're telling me there was no way I could have had a better appraisal regardless **of** my performance?" His answer was that he was sorry but that was correct. She has been told that there were several others over the past years affected by this "policy" of the Air Operations Officer.

In support of the appeal, applicant submits a statement from the rater stating he discussed applicant's work performance with the Air Operations Officer. The Air Operations Officer stated it was his policy not to give a rating higher than a "Satisfactory" for first year performance ratings. He concurred with the Air Operations Officer and rated the applicant as "Satisfactory."

Applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

The applicant is currently serving in the ANG in the grade of technical sergeant.

ANG Active Duty Performance Rating profile since 1994 reflects the following:

PERIOD ENDING

EVALUATION OF POTENTIAL

28 Feb 94	Excellent
28 Feb 95	Excellent
* 28 Feb 96	Satisfactory

* Contested report.

~~AIR FORCE EVALUATION:~~

The Chief, Utilization, ANG/MPPUR, reviewed this application and states the applicant has failed to provide additional information of substantial performance that would indicate a higher rating than satisfactory. The narrative on the NGB Form 26, Item 8a, provides justification to support a satisfactory rating. They also noted that the applicant failed to appeal the performance report within the required 30 days after the ratee review. The burden of proof in this case must rest with the applicant to prove an error or injustice has occurred. Therefore, they recommend denial.

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

~~APPLICANT'S REVIEW OF AIR FORCE EVALUATION:~~

The applicant reviewed the advisory opinion and states the bottom line is that to **most** people none of this will matter and she can understand that. But because she knows that the Air Operations Officer's decision to create his own evaluation policy could cause someone to be at the top of a reduction-in-force (RIF) list, is unjust and unfair. She is not sure it is understood how very important, and what could amount to career ending, performance ratings can be under these conditions. At the very least, they should be done solely on performance, never on a "defamatory" policy.

In further support of her appeal, applicant submits a statement from the current Air Operations Officer stating he concurs with the application to correct the applicant's performance appraisal.

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

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. Based on the evidence of record, we believe the contested report should be removed from the applicant's record. The statement submitted from the rater indicates the Air Operations Officer had a policy not to give a rating higher than a Satisfactory for first year performance ratings. In addition, we note the statement submitted by the current Air Operations Officer indicating her performance has been consistently excellent and above. In view of the foregoing, and in an effort to offset any possibility of an injustice, we believe the contested should be declared void and removed from her 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 NGB Form 26, Department of the Army and Air Force, National Guard Bureau, ANG Active Duty Performance Rating, rendered for the period 1 March 1995 to 28 February 1996 be declared void and removed from her records.

The following members of the Board considered this application in Executive Session on 15 October 1998, under the provisions of AFI 36-2603:

Mr. Robert D. Stuart, Panel Chair
Mr. Henry Romo, Jr., Member
Mr. Richard A. Peterson, Member
Ms. Gloria J. Williams, Examiner (without vote)

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

- Exhibit A. DD Form 149, dated 9 April 1997, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, ANG/MPPUR, dated 23 December 1997.
- Exhibit D. Letter, AFBCMR, dated 9 February 1998.
- Exhibit E. Applicant's Response, dated 18 February 1998, with attachments.

A handwritten signature in cursive script, reading "Bob Stuart".

ROBERT D. STUART
Panel Chair



DEPARTMENT OF THE AIR FORCE
AIR NATIONAL GUARD READINESS CENTER

MEMORANDUM FOR AFBCMR

23 DEC 1997

FROM: ANG/MPPUR
3500 Fetchet Avenue
Andrews AFB, MD 20762-5157

SUBJECT: Air Force Board for Correction of Military Records [REDACTED]

The attached application for Correction of Military Records submitted by the applicant, a member of the [REDACTED] Air National Guard, is forwarded for your review and action.

The applicant requested the National Guard Bureau (NGB) Form 26, 1 Mar 95 - 28 Feb 96 report be removed. The applicant submitted a DD Form 149, dated 9 Apr 97, requesting correction to military records.

This Headquarters recommends denial. We have contacted the Headquarters [REDACTED] Air National Guard Office and we concur with their 31 Jul 97 letter. The applicant has failed to provide additional information of substantial performance that would indicate a higher rating than satisfactory. The narrative on the NGB Form 26, Item 8a, provides justification to support a satisfactory rating. We also noted that the applicant failed to appeal of the performance report within the required 30 days after the ratee review. The burden of proof in this case must rest with the applicant to prove an error or injustice has occurred, therefore we must recommend denial.

Questions should be directed to MSgt Gowdy at DSN 278-7500, Email : gowdyt@ang.af.mil.

FOR THE COMMANDER


NILDA E. URRUTIA, Lt Col, USAF
Chief, Utilization

[REDACTED]

9702622



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 167th AIRLIFT WING (AMC)
222 SABRE JET BLVD RM 107
MARTINSBURG WEST VIRGINIA 25401-7704

3 Jul 97

MEMORANDUM FOR 167AW/CC *Can*
TAG WV/ESSO
IN TURN

Var 11 July 97


FROM: 167AW/CV

SUBJECT: Application for Correction of Military Records [REDACTED]

1. I concur with the application to **correct** the subject performance appraisal on [REDACTED]
2. Since my selection as Air Operations Officer in December 1996, her performance has been consistently excellent and above. She accomplished assigned tasks promptly and accurately. Her job knowledge, reliability, and initiative have always met **high** standards. I have nothing to indicate that her performance was less than excellent during the subject appraisal period.

JESSE A. THOMAS, LTC, WVANG
Air Operations Officer

DP

1st Ind to ANG/MPPUR memorandum, 10 June 1997, Application for Correction of
Military Records—

TAG, WV

18 June 1997

MEMORANDUM FOR 167 AW/CC

For your comments and recommendation and return to this office.



BENNY A. HUFFMAN, Lt Col, WVANG
Executive Support Staff Officer