

JUL 07 1998

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: ?

DOCKET NUMBER: 97-02593

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

1. His nonselection for promotion to the grade of lieutenant colonel by the CY92B (16 November 1992) Central Lieutenant Colonel Selection Board be set aside and voided from his selection record.

2. The errors on his Promotion Recommendation Form (PRF) for the CY92B (P0592B) Central Lieutenant Colonel Selection Board be corrected.

3. He be considered for promotion to lieutenant colonel by a Special Selection Board (SSB) for the CY92B Lieutenant Colonel Selection Board, with inclusion of a corrected Promotion Recommendation Form (PRF) and the Meritorious Service Medal, first oak leaf cluster (MSM, 10LC), in his officer selection record (OSR). If selected for promotion by the SSB, he be retroactively promoted to lieutenant colonel and reinstated to active duty.

APPLICANT CONTENDS THAT:

The injustice is the absence of an awarded Meritorious Service Medal plus the presence of numerous administrative and factual errors in his PRF.

The presence of the MSM would have greatly enhanced his record and served to corroborate the quality of duty performance indicated by his Officer Performance Reports (OPRs). It was his supervisor's intention to recommend him for an end of tour decoration. During the period October 1991 until December 1992, Air Force Systems Command and Air Force Logistics Command merged to become AFMC, resulting in delays of processing routine administrative correspondence, including recommendation for decoration packages. He was awarded the MSM, 10LC, for the period 29 July 1988 through 1 September 1991, after the promotion board met.

His PRF included multiple errors when it met the P0592B Board.

In support of his request, applicant submits copies of a Report on Individual Personnel (RIP), a statement from the former superintendent, Special Order GB-52 awarding the MSM 10LC, the contested PRF, his officer selection brief (OSB) and additional documents associated with the issues cited in his contentions (Exhibit A).

STATEMENT OF FACTS:

The applicant, while serving with the United States Navy (USN) in the grade of Lieutenant (junior grade), requested an Interservice Transfer to the Air Force. Applicant's request was approved and he was honorably discharged from the USN on 30 June 1980. On 1 July 1980, the applicant was appointed a second lieutenant in the Regular Air Force. He was progressively promoted to the grade of major, effective and with a date of rank of 1 July 1988. The following is a resume of his OPR ratings subsequent to his promotion to that grade.

<u>Period Ending</u>	<u>Evaluation</u>
1 May 89	Meets Standards (MS)
30 Apr 90	MS
30 Apr 91	MS
# 30 Apr 92	MS

Top report at the time he was considered and nonselected for promotion to lieutenant colonel by the CY92B Central Lieutenant Colonel Board, which convened on 16 November 1992.

The applicant was nonselected for promotion to the grade of lieutenant colonel by two selection boards (CY92B and CY93A). CY93A (P0593A) Lieutenant Colonel Selection Board convened on 12 October 1993.

The applicant was awarded the Meritorious Service Medal, First Oak Leaf Cluster, (MSM 10LC) by Special-Order GS-52, dated 10 December 1992, for outstanding service during the period 29 July 1988 to 1 September 1991.

On 31 August 1994, the applicant was relieved from active duty under the provisions of AFR 35-7 (voluntary retirement: temporary early retirement authority) and retired in the grade of major on 1 September 1994. He had completed a total of 17 years, 3 months and 14 days of active duty service for retirement.

AIR FORCE EVALUATION:

The Directorate of Personnel Program Management, HQ AFPC/DPPPA, stated that the application is not timely; however, they reviewed it for merit and found it partially appropriate. DPPPA stated the applicant's contention that the MSM, 10LC, should have been

considered by the CY92B Selection Board is unfounded. By regulation, a decoration is required to be placed into official channels within two years from the end of the service which it is recognizing and awarded within three years. Once the special order is accomplished, a decoration is to be placed in the officer selection record (OSR) within 60 days. DPPPA indicated that until a special order is cut, a decoration does not exist. The applicant's period of service for the MSM, 10LC, ended on 1 September 1991. His decoration was required to be completed and awarded by September 1994. The order awarding the MSM, 10LC, is dated 10 December 1992, well within regulatory requirements. DPPPA stated that the decoration did not exist when the CY92B Lieutenant Colonel Selection Board convened on 16 November 1992. DPPPA stated that no evidence has been provided from the approval authority substantiating the applicant's claim the decoration was delayed. DPPPA strongly recommended the applicant's request to include the MSM, 10LC, in his record for the CY92B Lieutenant Colonel Selection Board be denied.

With regard to the contested PRF, DPPPA would not be opposed to the Board making the requested corrections only to the PRF and allowing reconsideration by the CY92B Lieutenant Colonel Selection Board.

DPPPA does not recommend the applicant's request to set aside and void his prior nonselection to lieutenant colonel by the CY92B selection board as it would not be in the best interest of the Air Force or the applicant since the applicant has been retired since August 1994.

A complete copy of this evaluation is appended at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the advisory opinion and indicated his nonconcurrence with DPPPA's recommendation that his Meritorious Service Medal, First Oak Leaf Cluster, (MSM 10LC) not be considered by the CY92B Lieutenant Colonel Selection Board. His former supervisor has verbally substantiated the superintendent's letter that this decoration received administrative delays and was resubmitted for approval by HQ Air Force Materiel Command. Because this decoration is a critical detail of his career record, he respectfully requests that the Board approve its inclusion in his record for special selection board (SSB) consideration. He fully concurs with DPPPA's recommendation that the Board make the requested corrections to the PRF and allow reconsideration by a promotion board. He nonconcurr with DPPPA's recommendation to deny set aside and void the prior nonselection to lieutenant colonel because he has been retired since August 1994. Since retirement, he has worked extensively for a Department of Defense contractor in leadership positions related to his active duty career field and has kept abreast of changes in today's Air Force. He believes that having flawless officer

performance reports (OPRs) plus three consecutive command assignments in the last six years of his career would serve as a valuable asset to any unit. His promotion to lieutenant colonel and reassignment to active duty would be in the best interest of the Air Force.

In support of the applicant's request concerning the MSM, 10LC, his former supervisor submitted a letter of support.

Applicant's complete submission is appended at Exhibit E.

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. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice warranting correction of the contested PRF and promotion consideration to the grade of lieutenant colonel by a Special Selection Board (SSB) for the CY92B selection board. The respective Air Force office concurs with applicant's contention that the PRF in question contained erroneous information and recommended correction of the contested PRF and SSB consideration by the CY92B Lieutenant Colonel Selection Board. We also agree and recommend that the report be corrected as indicated below and that his record be considered for promotion to the grade of lieutenant colonel by an SSB for the CY92B Central Lieutenant Colonel Board.
4. While we have recommended favorable action on the PRF portion of the applicant's request, we are not inclined to do so on his request for SSB consideration by the CY92B Lieutenant Colonel Selection Board, with inclusion of the Meritorious Service Medal (MSM), first oak leaf cluster (10LC), in his Officer Selection Record (OSR) and that his nonselections for lieutenant colonel be set aside. We noted the applicant's submission in judging the merits of these issues; however, we agree with the opinion and recommendation of the Air Force office (HQ AFPC/DPPPA) and adopt their rationale as the basis for our conclusion that the applicant has not been the victim of an injustice. As the applicant's former supervisor stated, the decoration in question met the regulatory requirements for submission and approval. With regard to applicant's request for reinstatement, we believe that, if selected for promotion by an SSB, the issue of reinstatement would be resolved at that time. We therefore conclude that absent sufficient evidence to the contrary, we find no compelling basis to recommend favorable action on the aforementioned issues.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that the Promotion Recommendation (PRF) prepared for use by the Calendar Year 1992B Central Lieutenant Colonel Selection Board, which convened on 12 November 1992, be amended as follows:

a. Section I, Ratee Identification Data, change the spelling of his first name to ██████████ and the DAFSC to "A4016."

b. Section III, Job Description, change the spelling of "Biritish" to "British."

c. Section IV, Promotion Recommendation, change the spelling of "restruchted" to "restructured" and "circula" to "curricula". Change "two consecutive" to "five consecutive"; "6515 EMS" to "6510 EMS" and "1991" to "1990."

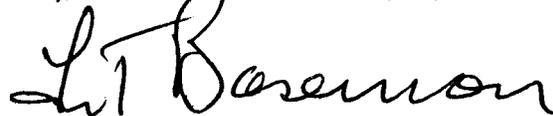
It is further recommended that he be considered for promotion to the grade of lieutenant colonel by a Special Selection Board (SSB) for the Calendar Year 1992B Lieutenant Colonel Selection Board, which convened on 12 November 1992, with inclusion of the corrected PRF.

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

Mr. LeRoy T. Baseman, Panel Chair
Mr. Steven A. Shaw, Member
Mr. Parker C. Horner, Member

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

- Exhibit A. DD Form 149, dated 29 Aug 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, HQ AFPC/DPPPA, dated 18 Sep 97.
- Exhibit D. Letter, SAF/MIBR, dated 13 Oct 97.
- Exhibit E. Letter from applicant, dated 11 Nov 97, w/atchs.



LEROY T. BASEMAN
Panel Chair



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

JUL 07 1998

Office of the Assistant Secretary

AFBCMR 97-02593

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] [REDACTED] be corrected to show that the Promotion Recommendation (PRF) prepared for use by the Calendar Year 1992B Central Lieutenant Colonel Selection Board, which convened on 12 November 1992, be amended as follows:

- a. Section I, Ratee Identification Data, change the spelling of his first name to [REDACTED] and the DAFSC to "A4016."
- b. Section III, Job Description, change the spelling of "Biritish" to "British."
- c. Section IV, Promotion Recommendation, change the spelling of "restruced" to "restructured" and "circula" to "curricula". Change "two consecutive" to "five consecutive"; "6515 EMS" to "6510 EMS" and "1991" to "1990."

It is further recommended that he be considered for promotion to the grade of lieutenant colonel by a Special Selection Board (SSB) for the Calendar Year 1992B Lieutenant Colonel Selection Board, which convened on 12 November 1992, with inclusion of the corrected PRF.


JOE G. LINEBERGER
Director
Air Force Review Boards Agency