

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-02888

COUNSEL: None

HEARING DESIRED: No

APPLICANT REQUESTS THAT:

1. The Enlisted Performance Report (EPR) closing 21 May 1990 be changed to reflect in Block III, Item 4 "**Exemplifies** the standard of **conduct**"; Item 6 "Consistently exceeds all training requirements"; Item 7 "Highly skilled writer and **communicator**" and in Block IV, Rater and Indorser's recommendations reflect "5s."

Or, in the 'alternative:

2. Void the report in its entirety.

APPLICANT CONTENDS THAT:

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The EPR does not accurately reflect his performance for the rating period.

In support of his request, the applicant submitted a copy of the Airman Personnel Records Review Board (APRRB) decision and statements from the rater and indorser of the contested report.

His complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

The applicant is currently serving in the Regular Air Force grade of master sergeant (E-7).

A similar appeal by the applicant under AFI 36-2401 was considered and denied by the APRRB.

The following is a resume of his EPRs.

<u>PERIOD ENDING</u>	<u>OVERALL EVALUATION</u>
21 May 1987	9
21 May 1988	9
21 May 1989	9
* 21 May 1990 (EPR)	4

21 May 1991	5
21 May 1992	5
21 May 1993	5
21 May 1994	5
21 May 1995	5
21 May 1996	5
29 Sep 1996	5

Note: * Contested report.

AIR FORCE EVALUATION:

The Enlisted Promotion Branch, AFPC/DPPPWB, reviewed the application and stated that the first promotion cycle the contested EPR was used in the promotion process was cycle 94S8 to senior master sergeant (E-8) (promotions effective Apr 93-Mar 94). Should the AFBCMR void the contested report in its entirety, upgrade the overall rating, or make any other significant change, providing he is otherwise eligible, the applicant will be entitled to supplemental promotion consideration beginning with cycle **94S8**.

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

The Chief, BCMR and SSB Section, AFPC/DPPPA, reviewed the application and stated that it is Air Force policy that an evaluation report is considered to represent the rating chain's best judgment at the time it is rendered. Once it is accepted for file, only strong evidence to the contrary warrants correction or removal from an individual's record. The burden of proof is on the applicant. The applicant submitted letters from his rater and indorser on the contested report. Although they fully support upgrading the contested EPR, the rater does not specifically state what he knows now that he didn't know when he completed the EPR. The indorser, likewise supports the appeal, but also stated he based his indorsement on a statement from the rater even though he had reservations. The applicant has not substantiated the contested report was not rendered in good faith by all evaluators based on knowledge available at the time. Based on the evidence provided, they recommend denial of the request.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the evaluations and responded that he found it difficult to comprehend that signed letters by a rater and an indorser stating that an EPR is inaccurate and should be corrected is too "vague" to be acted upon. Both individuals reviewed the original package and fully concurred with the

requested action. Certainly their testimony concerning their own writing should be compelling enough to fix this error. He also found it particularly disturbing that matters of injustice are at the mercy of time limits. He believes the Board also recognizes this and provides for waivers of such time constraints. He hopes that the Board will waive the time restriction, recognize this case as a bad EPR compounded by a bad review decision by AFPC and honor his requested action.

In response to a letter from the AFBCMR, applicant amended his request thereby giving the Board the option of either amending the report as requested, or voiding it in its entirety.

Applicant's responses are attached at Exhibits F and G.

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. After a thorough review of the applicant's submission, substantial doubt has been created that the EPR in question is an accurate reflection of the applicant's performance and demonstrated potential during the reporting period. His contention of a personality conflict with insufficient communication with his rater resulted in an unfair and inaccurate assessment is noted. This is supported by letters from the rater and indorser on the contested report. In order to offset any possibility of an injustice we believe the contested EPR should be declared void and applicant be provided supplemental promotion consideration.

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 22 May 1989 through 21 May 1990, be declared void and removed from his record.

It is further recommended that he be provided supplemental consideration for promotion to the grade of senior master sergeant for all appropriate cycles beginning with cycle 94S8.

If selected for promotion to the grade of senior master sergeant by supplemental consideration, he be provided any additional supplemental consideration required as a result of that selection.

If supplemental promotion consideration results in the selection for promotion to the higher grade, immediately after such promotion the records shall be corrected to show that he was promoted to the higher grade on the date of rank established by the supplemental promotion and that he is entitled to all pay, allowances, and benefits of such grade as of that date.

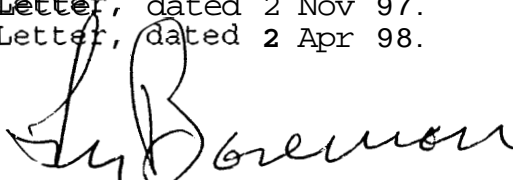
If AFPC discovers any adverse factors during or subsequent to supplemental consideration that are separate and apart, and unrelated to the issues involved in this application that would have rendered the applicant ineligible for the promotion, such information will be documented and presented to the Board for a final determination on the individual's qualifications for the promotion.

The following members of the Board considered this application in Executive Session on 20 January 1998 and 29 April 1998, under the provisions of AFI 36-2603:

Mr. LeRoy T. Baseman, Panel Chair
Mr. Frederick R. Beaman, III, Member
Mr. Michael P. Higgins, Member
Mrs. Kay Byrne, Examiner (without vote)

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

Exhibit A. DD Form 149, dated 24 Sep 97 with atchs.
Exhibit B. Applicant's Master Personnel Records.
Exhibit C. Letter, AFPC/DPPPWB, dated 6 Oct 97.
Exhibit D. Letter, AFPC/DPPPA, dated 14 Oct 97.
Exhibit E. Letter AFBCMR, dated 27 Oct 97.
Exhibit F. Applicant's Letter, dated 2 Nov 97.
Exhibit G. Applicant's Letter, dated 2 Apr 98.


LEROY T. BASEMAN
Panel Chair



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

Office of the Assistant Secretary

JUL 07 1998

AFBCMR 97-02888

MEMORANDUM FOR THE CHIEF OF FORCE

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 22 May 1989 through 21 May 1990, be, and hereby is, declared void and removed from his record.

It is further directed that he be provided supplemental consideration for promotion to the grade of senior master sergeant for all appropriate cycles beginning with cycle 94S8.

If selected for promotion to the grade of senior master sergeant by supplemental consideration, he be provided any additional supplemental consideration required as a result of that selection.

If supplemental promotion consideration results in the selection for promotion to the higher grade, immediately after such promotion the records shall be corrected to show that he was promoted to the higher grade on the date of rank established by the supplemental promotion and that he is entitled to all pay, allowances, and benefits of such grade as of that date.

If AFPC discovers any adverse factors during or subsequent to supplemental consideration that are separate and apart, and unrelated to the issues involved in this application that would have rendered the applicant ineligible for the promotion, such information will be documented and presented to the Board for a final determination on the individual's qualifications for the promotion.


JOE G. LINEBERGER
Director

Air Force Review Boards Agency