

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

[REDACTED]
[REDACTED]

DOCKET NUMBER: 97-02904

COUNSEL: None

JUL 24 1998

HEARING DESIRED: No

APPLICANT REQUESTS THAT:

The Enlisted Performance Report (EPR) rendered for the period 1 Dec 93 through 30 Nov 94 be declared void and removed from his records.

APPLICANT CONTENDS THAT:

He was never informed of the perception that personal/family problems had distracted him from his duties prior to the EPR being accomplished. Since the EPR was not referred, he was never given the opportunity to respond to the derogatory comments in Sections V (Rater's Comments) and VI (Rater's Rater's Comments).

In support of his appeal, the applicant provided a copy of the contested report and a statement from the rater with concurrence from his current commander.

Applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

The applicant's Total Active Federal Military Service Date (TAFMSD) is 8 Jun 79. He is currently serving in the Regular Air Force in the grade of master sergeant.

Applicant's APR/EPR profile since 1986 follows:

<u>PERIOD ENDING</u>	<u>OVERALL EVALUATION</u>
8 May 86	9
8 May 87	9
8 May 88	9
8 May 89	9
8 May 90	4 (New rating system)
8 May 91	5

8 May 92	5
8 May 93	5
30 Nov 93	5
* 30 Nov 94	4
30 Nov 95	5
30 Nov 96	5

* Contested report.

Two similar applications were submitted under the provisions of AFI 36-2401, Correcting Officer and Enlisted Evaluation Reports. The Evaluation Report Appeal Board (ERAB) was not convinced by the applicant's documentation on either occasion and denied the appeals.

AIR FORCE EVALUATION:

The Chief, Inquiries/AFBCMR Section, AFPC/DPPPWB, reviewed this application and indicated that the first time the report was considered in the promotion process was cycle 96E8 to senior master sergeant (promotions effective Apr 96 - Mar 97). Should the Board void the 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 9638.

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

The Chief, BCMR & SSB Section, AFPC/DPPPA, also reviewed this application and indicated that the rater does not confirm or deny the applicant was never told why his report was downgraded. Further, the rater also states that he reevaluated the circumstances and he is "now convinced that an injustice occurred." The rater does not, however, state what he has learned since he initially prepared the EPR to prompt him to change his mind. What DPPPA does not understand is that the rater supports removal of the report yet he also states that if he had the opportunity to rewrite the report, he would recommend an overall "5" promotion recommendation and the ratings in Section III (Evaluation of Performance) would change. Instead of voiding the report, thereby removing all complimentary comments, why did he not request the ratings be changed?

While the applicant's current commander, who was the military personnel flight (MPF) chief at the time the report was rendered concurs with the rater's reevaluation of the EPR, this individual was not in the applicant's rating chain at the time. Further, the current commander added a first indorsement to the rater's letter of support and simply states that he concurs with the rater's request to void the applicant's EPR.

DPPPA notes that there is no statement from the rater's rater or the commander. In order to successfully challenge the validity of an evaluation report, it is important to hear from all of the evaluators—not necessarily for support, but at least for clarification/explanation. Without benefit of a statement from all of the evaluators, DPPPA can only conclude the EPR is accurate as written.

While the applicant contends that he was not told, either verbally or in writing, that he was being relieved as commandant due to personal/family problems, this statement is not convincing since it is unlikely anyone would be relieved of their position without some explanation. The evaluators are not heard from on this issue.

DPPPA further states that evaluation reports are considered accurate as written unless substantial evidence to the contrary is provided. As such, they receive exhaustive reviews prior to becoming a matter of record. Any report can be rewritten to be more hard hitting, to provide embellishments, or to enhance the ratee's promotion potential but the time to do that is before the report becomes a matter of record. None of the supporters of the applicant's appeal explain how they were hindered from rendering a fair and accurate assessment of the applicant's performance prior to the report being made a matter of record. The appeals process does not exist to recreate history or enhance chances for promotion and it appears this is exactly what the applicant is attempting to do—recreate history. As such, DPPPA is not convinced the contested report is not accurate as written and they do not support the request for removal.

A complete copy of their evaluation, with attachments, is attached at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant provided a two-page statement addressing the comments by DPPPA.

Applicant's complete response is attached at Exhibit F.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.

3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After a thorough review of the evidence of record and applicant's submission, to include the statement from the rater of the contested report with the indorsement of the applicant's current commander, we are not persuaded that the contested EPR is an inaccurate assessment as rendered. His contentions are duly noted; however, we do not find these assertions sufficiently persuasive to override the rationale provided by the Air Force. While the rater states that the evaluation was a result of misguided command pressure and not a true reflection of applicant's duty performance and promotion potential, there is no substantiation of this allegation from either the rater's rater or the commander that there was pressure put on these individuals to downgrade the report in question. We therefore agree with the recommendations of the Air Force and adopt the rationale expressed as the basis for our decision that the applicant has failed to sustain his burden that he has suffered either an error or an injustice. Therefore, we find no compelling basis to recommend granting the relief sought.

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.

The following members of the Board considered this application in Executive Session on 23 June 1998, under the provisions of Air Force Instruction 36-2603:

Mr. Wayne R. Gracie, Panel Chair
Mr. Allen Beckett, Member
Mr. Dana J. Gilmour, Member
Mrs. Joyce Earley, Examiner (without vote)

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 18 Sep 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPPAB, dated 8 Oct 97.
- Exhibit D. Letter, AFPC/DPPPA, dated 22 Oct 97.
- Exhibit E. Letter, AFBCMR, dated 10 Nov 97.
- Exhibit F. Letter fr applicant, dated 17 Dec 97.

Wayne R. Gracie

WAYNE R. GRACIE
Panel Chair