

SEP 24 1998

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-02979

COUNSEL: None

HEARING DESIRED: No

APPLICANT REQUESTS THAT:

The Uniform Code of Military Justice (UCMJ) Article 15 dated 6 August 1996, the Letter of Reprimand (LOR) dated 14 November 1996, and the referral Enlisted Performance Report (EPR) closing 1 November 1996 be removed from his records.

APPLICANT CONTENDS THAT:

1. Regarding the Article 15: He was denied due process. Certain procedures were not followed; specifically, he was instructed by the [redacted] Operations Support Squadron (OSS) First Sergeant not to present testimony of mitigating circumstances. This testimony could have negated the Article 15 altogether. Evidence presented to his first sergeant was not allowed into consideration during the investigative and appellate phases of the proceedings. *[The rater of the contested EPR wrote a statement in applicant's behalf regarding the Article 15 punishment, and it is included in this appeal.]*

2. Regarding the EPR: Procedures were not followed and he received unfair/unjust treatment. His rebuttal to the EPR was turned in to the indorser who, just five days prior, was relieved of duty ". . . for, in the HQ USAFE IG [Inspector General] reports [sic] words, exerting undue influence on another individuals [sic] EPR." His testimony to the IG on this issue was known by the indorser. The referral EPR also contains the incorrect amount of days of supervision.

3. Regarding the LOR: This action was unfairly/unjustly conducted in reprisal and as a way to cover up his flight commander's removal because of an IG investigation's negative findings, not to protect her from his alleged death threat. He was "blackmailed" into signing the LOR by threats to delay his permanent change of station (PCS) move.

According to a 14 January 1998 memorandum submitted by the applicant's area defense counsel (ADC) to reviewing authorities (See Exhibit A), IG investigation confirmed that the Article 15 appellate authority never received or reviewed matters the applicant had submitted. The documentation was in essence a summary of applicant's service record. The ADC contended the

offering commander did not properly consider the applicant's service record in deciding whether nonjudicial punishment was appropriate and, if so, what level of punishment was warranted. Therefore, the ADC argued the applicant appears to have been denied due process. This memorandum was included in an addendum to the original AFBCMR appeal and is addressed by the Air Force in Exhibit F.

[Applicant mentions that a 3000-page USAFE IG report has been sent to the "military board of corrections." However, no such document was included in this appeal, or received by this office in connection with this appeal.]

Applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

Applicant is currently serving in the grade of technical sergeant (Date of Rank (DOR): 1 Dec 92; Effective Date: 5 Dec 96).

On 1 August 1996, applicant was notified of his squadron commander's intent to impose nonjudicial punishment upon him for failure to obey a lawful regulation by wrongfully using his US Government American Express card for personal purposes in the sum of about \$2,182.33 on divers occasions between, on or about 8 and 24 June 1996. After consulting with counsel, applicant waived his right to a trial by court-martial, requested a personal appearance and submitted a written presentation. On 6 August 1996, he was found guilty by his squadron commander who imposed the following punishment: Reduction to staff sergeant with a DOR of 6 August 1996, forfeiture of \$800.00 pay (forfeiture of pay was suspended until 5 February 1997) and reprimand;. Applicant submitted written documentation in appeal on 9 August 1996.

On 1 November 1996, the contested EPR was referred to the applicant. Applicant provided a rebuttal on 13 November 1996. The EPR has an overall rating of "3" with five of the seven performance factors in Section III marked down one and two blocks from the right. Factor number four was downgraded all the way to the left by the indorser, which caused the referral.

On 14 November 1996, the applicant received an LOR for violating UCMJ Articles 89 and 134 (disrespect toward a superior commissioned officer and communicating a threat, respectively) by drawing a skull and cross-bones on a blackboard with the flight commander's first name below it. Applicant rebutted the LOR on 20 November 1996, asserting he did not author the drawing in question.

On 5 December 1996, a new group commander restored the applicant to technical sergeant by suspending the reduction to staff sergeant. The suspension mandated that the Article 15 be placed in an Unfavorable Information File (UIF).

AIR FORCE EVALUATION:

The Associate Chief, Military Justice Division, AFLSA/JAJM, reviewed the appeal and indicates that if the First Sergeant gave the applicant erroneous advice about the merits of his defense, the applicant should have known better than to heed his advice. The applicant had access to a defense attorney throughout the Article 15 proceeding. If he made a poor decision based upon poor advice from someone other than his defense counsel, he alone bears the consequences of that act. Interestingly, the applicant's written appeal to the punishment also does not reference the defense he claims to have unwittingly suppressed during his personal presentation. Thus, even though he had time between the commander's imposition of punishment and his appeal to confer with his attorney about this issue, he did not do so. Further, if the legal office did not retain the applicant's submission in their files for three years, the mistake does not constitute material error. Materials submitted in defense to an Article 15 action are not part of a member's official records. Finally, although a commander's failure to consider a member's submissions in defense would constitute an injustice, there is absolutely no evidence that such a failure occurred in this case (apart from the applicant's conjecture). As for his claims regarding the LOR, the government's official actions are presumed to be correct absent the applicant's showing they were wrong. Apart from his creative conjecture, he has submitted nothing to show that the commander's action in imposing the LOR was wrong. A bare assertion of a "cover up" does not support relief. His contention that he was coerced into accepting the LOR reflects a basic misunderstanding of this action. The applicant had no election regarding the LOR---there was no decision to be "coerced." Denial is recommended.

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

The Chief, Inquiries/BCMR Section, HQ AFPC/DPPPWB, indicates that when applicant's unit commander restored him to technical sergeant by suspending the reduction to staff sergeant, the applicant had a new effective date for technical sergeant of 5 December 1996 with his original DOR of 1 December 1992. When the commander suspended the reduction in grade it also rendered the applicant ineligible for promotion for cycle 97E7. However, if the Board voids the Article 15 or removes the reduction or suspended reduction, the effective date would revert to the original date of 1 December 1992. The fact that the EPR closing 1 November 1996 was a referral report also rendered the applicant ineligible for promotion for cycle 97E7. Providing the applicant

is otherwise eligible (receives an EPR that is not referral or rated a "2" or less), the first time the contested report will be considered in the promotion process (provided it is not voided) is cycle 98E7 to master sergeant.

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

The Chief, Commander's Programs Branch, HQ AFPC/DPSFC, evaluated the case and indicates that the Article 15 is mandatory for file in an unfavorable information file (UIF) for enlisted personnel when the punishment is in excess of one month, as was the case with the applicant. The LOR is optional for file in the UIF for enlisted personnel. Commanders have the option to remove an enlisted member's UIF early. The applicant's current commander gave the applicant his rank back; however, he did not elect to remove the entire UIF (Article 15 and LOR), which he has the authority to do. The author indicates AFPC/DPSFC is not in the business of assessing a commander's decision-making authority when assigning nonjudicial punishment and/or administrative actions to subordinates. The applicant's current commander apparently believed the applicant was treated harshly because he did suspend the reduction; however, he left the UIF in place although he had the authority to remove it early and still does. It appears to the Chief that the applicant's current commander rectified any unjust treatment the applicant experienced from his past commander. Denial is appropriate.

A complete copy of the evaluation is at Exhibit E.

ADDITIONAL COMMENTS FROM AFLSA/JAJM:

The Associate Chief, Military Justice Division, provided additional comments pertaining to applicant's having submitted a 14 January 1998 letter from his ADC. The ADC asserts that applicant's commander did not consider all matters submitted pertaining to applicant's military service record before taking action on the offer for nonjudicial punishment. The Chief indicates the applicant still has not included any evidence to support his contention that his commander did not consider all matters submitted other than his and his defense counsel's allegations. Even if his contention were true, the matters he refers to would not change the underlying facts of his misconduct. The inadvertent failure of his commander to consider portions of applicant's submission in response to his Article 15 would be an error by the commander. However, where those matters had no bearing on the underlying facts supporting the charges against the applicant, such as in this case, that error would not result in material prejudice to the rights of the applicant. Denial is still recommended.

A complete copy of the additional comments, with attachments, is at Exhibit F.

The Chief, BCMR & SSB Section, HQ AFPC/DPPPA, evaluated this appeal regarding the EPR and points out that neither a 3000-page IG report referred to in applicant's brief nor a summary report of inquiry are included with this appeal. Regardless, this does not negate the behavior noted on the EPR regarding the misuse of the credit card. The author notes there is no comment on the EPR regarding the LOR or the reason he received the LOR. The applicant himself does not dispute the fact that he abused the credit card. For this reason, the EPR should remain a valid document. Applicant also contends the EPR shows a report period of **366** days of supervision when he was on temporary duty (TDY) for 166 days during that period. The applicant has not substantiated this claim with supporting documentation to verify the number of days of supervision is incorrect. AFI 36-2403 states that 30 or more consecutive [emphasis advisory's] calendar days during which the ratee did not perform normal duties under the rater's supervision will be deducted from the number of days of supervision. If the applicant is able to substantiate his TDYs were 30 or more consecutive days in length, then AFPC/DPPPA would not object to adjusting the number of days of supervision on the contested EPR. Also noted is that the indorser on the contested EPR was either the rater or indorser on the applicant's three previous EPRs in which he received "5s" and firewalled reports. This proves that an evaluation report is written to document the performance for a specific period of time based on the performance noted during that period, not based on previous performance/conduct. The author strongly urges that the request to void the contested EPR be denied.

A complete copy of the evaluation is at Exhibit G.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Complete copies of the Air Force evaluations were forwarded to the applicant on 18 March 1998 for review and comment within 30 days. As of this date, no response has been received by this office.

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 to warrant granting partial relief. In reaching this conclusion, we considered the following:

a. The applicant contends, in part, that he was denied due process and the Article 15 may have been negated altogether had the commander considered all matters submitted. We do not agree with this speculation. Even if the commander did fail to consider portions of the applicant's submission (and we are not completely convinced that this occurred), those matters had no bearing on the underlying fact supporting the charge against the applicant, i.e., that he misused a government credit card. Consequently, we do not believe the error, if indeed there was one, resulted in material prejudice to the rights of this applicant. We note the new commander suspended applicant's initial demotion from technical sergeant to staff sergeant. While this suspended "bust" restored his original grade and date of rank for technical sergeant, it made him ineligible for promotion consideration for master sergeant during cycle 97E7. If the commander had felt the Article 15 was unwarranted, he could have revoked it entirely. He could also have removed the UIF early instead of leaving it in place. Considering the fact that the \$800.00 fine had also been suspended, the Article 15 punishment applicant received appears reasonable and appropriate. Applicant's other contentions regarding the Article 15 issue have been addressed in the Air Force advisories, and we concur with their determination that no corrective action is required in this respect.

b. The behavior noted on the EPR closing 1 November 1996 pertains to the misuse of the government credit card, a fact which the applicant himself does not dispute and which was the basis for the Article 15 discussed above. Since we have already concluded that the contested Article 15 should stand, the EPR in question should also remain a matter of record as a valid document. Applicant also contends that this report has an incorrect number of days of supervision; however, he has not provided supporting documentation to verify this claim. Therefore, removing the EPR on this basis is also without merit.

c. Although we remain unconvinced by applicant's allegations that the 14 November 1996 LOR was rendered in reprisal or as a "cover up" action, we cannot determine with certainty whether he did, in fact, author the chalkboard drawing. A witness claims to have seen the applicant in the room by the chalkboard but, as best as we can determine, the witness did not actually see who drew the skull and crossbones. The basis for the LOR is, in our view, questionable. Since we believe any doubt in this respect should be resolved in favor of the applicant, voiding the LOR seems warranted.

In summary, for the reasons discussed above we conclude that the Article 15 and the contested EPR should not be removed from the applicant's records, but the LOR dated 14 November 1996 should be voided. Therefore, we recommend his records be corrected to the extent indicated below.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that the Letter of Reprimand, dated 14 November 1996 be, and hereby is, declared void and removed from his records.

The following members of the Board considered this application in Executive Session on 25 August 1998, under the provisions of AFI 36-2603:

Mrs. Barbara A. Westgate, Panel Chair
Ms. Olga M. Crerar, Member
Ms. Patricia D. Vestal, Member

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

- Exhibit A. DD Form 149, dated 29 Sep 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFLSA/JAJM, dated 7 Nov 97.
- Exhibit D. Letter, HQ AFPC/DPPPWB, dated 21 Nov 97, w/atchs.
- Exhibit E. Letter, HQ AFPC/DPSFC, dated 8 Jan 98.
- Exhibit F. Letter, AFLSA/JAJM, dated 27 Jan 98.
- Exhibit G. Letter, HQ AFPC/DPPPA, dated 18 Feb 98.
- Exhibit H. Letter, AFBCMR, dated 18 Mar 98.



BARBARA A. WESTGATE
Panel Chair



DEPARTMENT OF THE AIR FORCE

AIR FORCE LEGAL SERVICES AGENCY (AFLSA)

7 NOV 1997

MEMORANDUM FOR AFBCMR

FROM: AFLSA/JAJM (Major Love)
112 Luke Avenue, Room 343
Bolling Air Force Base, DC 20332-8000

SUBJECT: Correction of Military Records of [REDACTED]

Applicant's request: In an application dated 29 September 1997, the applicant requests that an UCMJ Article 15 action received in August 1996 and a Letter of Reprimand (LOR) received on 14 November 1996 be removed from his records. The application was submitted within the three-year window provided by 10 U.S.C. 1552(b).

Facts of military justice action: On 6 August 1996, the applicant received nonjudicial punishment for violating UCMJ Article 92 (Violation of a Lawful General Regulation) by misusing his Government American Express Card. According to the AF Form 3070, instead of using the card for official expenses, the applicant used the card for personal purposes in the sum of \$2182.33. The punishment imposed was a reduction from the grade of technical sergeant to staff sergeant, a suspended forfeiture of \$800.00, and a reprimand. On 14 November 1996, the applicant received a LOR for violating UCMJ Article 89 (Disrespect Toward a Superior Commissioned Officer) and Article 134 (Communicating a Threat). The misconduct involved drawing a skull and cross-bones on a blackboard with the flight commander's first name below it. However, on 5 December 1996, the applicant's unit commander restored the applicant to technical sergeant by suspending the reduction to staff sergeant.

Applicant's Contentions: The applicant asserts that his first sergeant dissuaded him from raising certain defenses during his personal presentation prior to the commander's decision on the Article 15 action. The applicant also contends that because the servicing legal office cannot produce the materials he submitted in defense of the Article 15, the Board should assume the commander never considered his materials at all.

Regarding the LOR, the applicant contends that he did not commit the underlying misconduct and that he was coerced into accepting the LOR by threats to delay his permanent change of station (PCS) move. The applicant believes the LOR was a fraudulent act by his commander to "cover up" the reason for his flight commander's removal from her position.

Discussion: The applicant's assertions do not support relief in this case. If the first sergeant gave the applicant erroneous advice about the merits of his defense, the

applicant should have known better than to heed his advice. The applicant had access to a defense attorney throughout the Article 15 proceeding. If the applicant made a poor decision based upon poor advice from someone other than his defense counsel, he alone bears the consequences of that act. It is interesting to note that the applicant's written appeal to the punishment also does not reference the defense **he** claims to have Unwittingly suppressed during his personal presentation. Thus, even though the applicant had time between the commander's imposition of punishment (6 Aug 1996) and **his** appeal (9 Aug 1996) to confer **with** his attorney about this issue, he did not do so

The applicant also asserts that the legal office's failure to retain his materials submitted in defense warrant removing the Article 15 action **from** his records. Under AFI 36-2603, the applicant has the burden of proving, by sufficient evidence, that a material error or injustice occurred. **If** the legal office did not retain the applicant's submissions in their files for 3 years, the mistake does not constitute *material error*. Note that under AFI 51-202, materials submitted in defense to **an** Article 15 action are not part of a member's official records. Finally, although **a** commander's failure to consider a member's submissions in defense **would** constitute an injustice, there is absolutely **no evidence** that **such** a failure occurred in this case (apart from the applicant's conjecture).

The applicant believes that his LOR was imposed solely to provide an excuse for removing the commander in question from her position. He also claims that he **was** coerced into accepting the LOR **by** a threat to delay his PCS. Again, the applicant's **bare** assertions do not **support** such a finding. The government's official actions are presumed to be correct absent the applicant's showing that they were wrong. Apart from the applicant's creative conjecture, he **has** submitted nothing to show **that** the commander's action in **imposing the LOR was** wrong. A bare assertion of a "cover up" does not support relief. Further, the applicant's contention that he was coerced into accepting the LOR reflects a basic misunderstanding of this action. The applicant had no election regarding **the LOR** – there **was** no decision **to** be "coerced."

Recommendation: After a review of the available records, I conclude that administrative relief by this office is not appropriate. There are no legal errors requiring corrective action. I therefore recommend that the Board deny the requested relief.



LOREN S. PERLSTEIN

Associate Chief, Military Justice Division
Air Force Legal Services Agency



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



21 NOV 1997

MEMORANDUM FOR AFPC/DPSFC
AFPC/DPPPAB
AFBCMR
IN TURN

FROM: AFPC/DPPPWB
550 C Street West, Ste 09
Randolph AFB TX 78150-4711

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

Requested Action. The applicant is requesting several actions to include removal of an Article 15 received 6 Aug 96 and voiding of his Enlisted Performance Report (EPR) closing 1 Nov 96.

Reason for Request. Applicant claims his first sergeant dissuaded him from raising certain defenses during his personal presentation prior to the commander's decision on the Article 15 action. In addition, he claims that his servicing legal office cannot produce the materials he submitted in defense of the Article 15 action. He also believes his Referral Enlisted Performance Report is a result of the Article 15 action.

Facts. See AFLSA/JAJM Ltr, 7 Nov 97 and AFPC/DPPPAB Ltr.

1.12. **Correcting Promotion Effective Dates and Enlistment Grades.** HQ AFMPC/DPMAJW corrects the promotion effective dates as a result of promotion withhold actions and supplemental promotion selections upon notification from the MPF. *Include name, SSN, cycle and grade promoted to, new ~~PER~~ and promotion sequence number, date of data verification completion,*

date commander approved promotion, promotion order (include date, number and issuing headquarters) and reason for promotion withholding, if applicable. **EXCEPTION:** This does not apply to those in the weight management program (WMP) or substance abuse program participants. Approved enlistment grade corrections are updated by HQ AFMPC/DPMAJW.

See 1615202 00194

Table 1.1. Determining Ineligibility For Promotion (See note 1).

If on or after the promotion eligibility cutoff date, and the airman is		1	2	3	4
A	-serving in grade of MSgt or SMSgt	Yes			
B	-serving in grade SrA through TSgt		Yes		
C	to be promoted to grade Amn through SrA			Yes	
D	to be promoted to grade SSgt through MSgt under STEP				Yes
then the airman is ineligible for promotion during a particular cycle when he or she					
E	has a mandatory date of separation (DOS), high year tenure (HYT), has 30 or more YOS, or an approved retirement before the first day of the month promotions are incremented in that cycle (See note 2)	X	X		
F	is a career airman who declines to extend or reenlist to obtain service retainability for a controlled duty asgn, PCS, TDY and retraining; declines retraining as outlined in AFI 36-2204; or is an airman with an approved voluntary retirement (instead of assignment). PES code C (See note 2)	X	X	X	X
G	has been convicted by court-martial (CM), or is undergoing punishment/suspended punishment imposed by CM. (Includes completed punishment and cases where sentence does not include punishment. PES code F (See note 2)	X	X	X	X
H	is on the control roster (AFI 36-2907). PES code G (See note 2)	X	X	X	X
I	is serving a probationary period under AFI 36-3208. PES code K (See note 2)	X	X	X	X
J	is unfit to perform the duties of the grade due to physical disability as decided by the SAF. PES code L (See note 3)	X	X	X	X
K	declines promotion consideration/testing and has an AF Form 1566, WAPS Test Verification, on file to that effect. PES code M.	X	X		X
L	is not recommended for promotion consideration, or the promotion authority removes the individual from a select list. PES code N. (See note 4 and para 3.2)	X	X	X	X
M	fails to appear for scheduled testing (no-show) without a valid reason as decided by immediate commander PES code P. (See para 2.3.4)	X	X		X
N	is absent without leave (AWOL)/in deserter status. PES code U. (See note 2)	X	X	X	X
O	(excluding minor traffic violations) has been convicted by a civilian court or undergoing punishment, suspended punishment/sentence, probation, work release program, or any combination of these or similar court-ordered conditions. Include period of time the airman is on probation after serving part of a sentence or has had the sentence withheld for a period of time. The ineligibility period will equal the maximum confinement for the same or most closely related offense under the manual for CM. PES code W. (See notes 2 and 5)	X	X	X	X
P	applies for voluntary retirement after promotion selection notification, and as a result of approved retirement, doesn't have sufficient retainability to meet the required ADSC. Grade-status-reason is 3C. No change in PES code.	X			X
Q	has an approved application for separation as a conscientious objector, or is being involuntarily separated under AFI 36-3208. PES code V. (See note 2)	X	X	X	X
R	is on the select list and declines promotion, or is a MSgt, SMSgt, or CMSgt selectee and fails to acquire service retainability for promotion. Grade-status-reason is 3D. No change in PES code.	X	X		X
S	is denied or not selected for reenlistment. PES code J. (See note 2)	X	X	X	X

(Table continued on next page)

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T	is pending administrative demotion action under AFI 36-2503. PES code H. (See note 2)	X	X	X	X
U	is identified as a substantiated substance abuser for other than alcohol and doesn't successfully complete rehabilitation under the USAF SART Program. PES code T. (See note 2)	X	X	X	X
V	is disqualified from a previously awarded AFS for cause (RI9A200 or 9A100). PES code Q. (See note 6)	X	X	X	X
W	is undergoing a suspended reduction imposed by UCMJ Article 15, PES code A. (See note 2)	X	X	X	X
X	fails SART 3 or 4 (including self-ID or entered into SART 5). PES code O. (See note 2)	X	X	X	X

NOTES:

1. For ineligibility of airmen entering commissioning programs, see paragraph 3.1.
2. TSgt, MSgt, and SMSgt with a retirement (based on HYT) date effective the first day of the month the promotion incrementing starts remain eligible for promotion. An airman's HYT extended for medical hold remain ineligible for promotion consideration. Airmen will not receive supplemental promotion consideration for any cycle they are ineligible under this rule. You can promote airmen in grades AB through A1C exceeding TIG/TIS requirements the day after the ineligibility condition no longer exists. PES code will change to "X" effective the date AFMPC approves withdrawal of a PCS declination statement.
3. Promote airmen who remain on active duty in a limited assignment status (LAS), or who remain on active duty and later found fit after formal proceedings. Do this on the promotion effective date the PSN is announced. If returned to active duty from DRL, the DOR is the original date of promotion. The effective date is date returned to active duty.
4. Nonrecommend airmen in the grade of AB through A1C in monthly increments from the original effective date outlined in AFMAN 36-2125 (formerly AFM 30-130, volume 1). BTZ selectees removed from the selection list remain ineligible until they meet the fully qualified promotion requirements.
5. You may waive the promotion ineligibility or any portion of the ineligible period. You may not waive the promotion ineligibility for airmen convicted and sentenced to confinement. The waiver authority rests with the wing commander.
6. Individuals placed in RI9A200 (unclassified airman pending discharge) and RI9A100 (airman awaiting retraining, disqualified for reasons within control) remain ineligible for promotion. Place them in PES code "Q", effective the date of disqualification. Do this until awarding the airman a PAFSC at a skill level commensurate with current grade. **NOTE:** PES code "Q" does not apply to airmen serving in grades AB and Amn.

I T E M	Withhold an airman's promotion when his or her name is removed from a select or eligibility list and the airman is
1	awaiting a decision on an application as a conscientious objector (AFI 36-3204 [formerly AFR 35-24]). PES code S.
2	placed into the SART Program for alcohol abuse. PES code E. (See notes 1 & 2)
3	in the weight management program (WMP), Phase I (codes 1, 2, 5 or 6). PES code I. (See notes 1 & 3)
4	under court-martial or civil charges. PES code D. (See note 4)
5	pending data verification and the record is not available. GSR code 2D, 2M or 2P.
6	missing source document, and the MPF cannot verify one or more promotion factors. GSR code 2R.
7	under other reasons the commander requests with prior approval from the individual's wing commander. (Do not use reasons of substandard behavior or performance, or problems with OJT, etc.) GSR Code 2N.
8	identified as having 18 or more years TAFMS on the promotion effective date and does not have 2 years retainability the day before the promotion effective date. GSR code 2K.
9	serving in the grade of SrA and does not complete the NCO Preparatory Course or the Airman Leadership School; TSgt and does not complete the resident command NCO Academy; and SMSgt and does not complete the resident Senior NCO Academy (or equivalent) GSR Code 2I. (See Note 5)

(Notes to table continued on next page)

UNCLASSIFIED

11 0916032 JUN 95 RR RR OUGU

DPMAE

NO

HQ AFMPC RANDOLPH AFB TX//DPMA//

AIG 8106//CC/DPM/DPMQ/DPMP/CCC//

AIG 10607//MSM//

ALPERSCOM//DP/MP/IG/CCC//

AIG 9326

INFO HQ USAF WASHINGTON DC//DPXEP//

XMT HQ AFMPC RANDOLPH AFB TX

UNCLAS

A// /95 B/ /95

PLEASE ENSURE WIDEST POSSIBLE DISSEMINATION

SUBJ: IMPLEMENTATION OF CHANGES TO THE ENLISTED EVALUATION SYSTEM
(ES)

REF: CSAF MSG 0816262 MAY 95 AND HQ USAF/DP MSG 2317002 MAY 95

1. THIS MESSAGE IMPLEMENTS CHANGES TO THE ENLISTED EVALUATION SYSTEM.
SOME OF THE CHANGES BEING IMPLEMENTED WILL TAKE EFFECT IMMEDIATELY,
OTHERS WILL REQUIRE ADDITIONAL TIME TO PHASE IN BECAUSE OF PROCEDURAL
GUIDANCE, REVISION OF BES FORMS, AND ADDITIONAL STAFFING.

2. FEEDBACK - EFFECTIVE IMMEDIATELY

A) RATERS FOR TSGT AND BELOW ARE REQUIRED TO DOCUMENT THE
INITIAL/MIDTERM PERFORMANCE FEEDBACK SESSION DATB IN SECTION V

CMSGT LEE
DPMAJEP, 7-2571

COL [signature] DPMA, 7-6314
CRC: 15970

UNCLASSIFIED

091602ZJUN95

9702979

ATCH 2

UNCLASSIFIED

07 11 091602Z JUN 95 RR RR UUUU

DPMAE

NO

CANCELLATION OF PROJECTED PROMOTION, IF ALREADY SELECTED (WAPS)/FULLY QUALIFIED (AMN-SRA). ALSO, PROMOTION REINSTATEMENT IS NOT AUTHORIZED EXCEPT AS OUTLINED IN AFI 36-2502, PARA 3.6. THE FOLLOWING CHANGES WILL BE IMPLEMENTED AS INDICATED BELOW:

4-A-1) INDIVIDUALS IN PHASE I OF THE WGT MANAGEMENT PROGRAM (WSC 2): EFFECTIVE 1 AUG 95 INDIVIDUALS IN WSC "2" (UNSAT PROGRESS, PHASE I) WILL BE INELIGIBLE FOR PROMOTION. MPFS MUST IMMEDIATELY IDENTIFY INDIVIDUALS CURRENTLY IN WSC "2" AND INFORM COMMANDERS TO NOTIFY THEM (AND FUTURE WSC "2" ENTRIES) THEY ARE INELIGIBLE FOR PROMOTION IF THEY ARE IN WSC "2" ON OR AFTER 1 AUG 95. FOR INDIVIDUALS IN WSC "1", "5" AND "6", CONTINUE USING PES CODE "I" SINCE CURRENT PROMOTION ELIGIBILITY FOR THESE CODES REMAIN UNCHANGED (AFI 36-2502, TBL 1.2). THIS CHANGE REQUIRES IMPLEMENTATION OF A NEW PES CODE, WHICH WILL BE AVAILABLE IN THE NOV 95 SYSTEM RELEASE. UNTIL THEN MPFS MUST IDENTIFY INDIVIDUALS IN WSC "2" ON OR AFTER 1 AUG 95 AND CHANGE PES FROM CODE "I" TO CODE "N". PLEASE CONTINUE USING PES CODE "N" ON ANY FUTURE WSC "2'S. USING PES CODE "N" IS A TEMPORARY MEASURE AND REQUIRES CLOSE MONITORING TO ENSURE THERE ARE NOT ERRONEOUS PROMOTION SELECTIONS.

4-k2) REFERRAL OR "2" EPRS ON TOP: INDIVIDUALS WITH A REFERRAL (ACCORDING TO AFI 36-2403, ATCH 1) OR '2' BPR ON TOP CLOSING OUT

CMSGT LEE
DPMAJEP, 7-2571

COL LERUM, DPMA, 7-6314
RC: 15970

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DPMAE

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AFTER THE DATE OF THIS MESSAGE WILL BE INELIGIBLE FOR PROMOTION BECAUSE THERE'S INSUFFICIENT TIME FOR THEM TO RECEIVE ANOTHER EPR PRIOR TO THE 1 AUG 95 IMPLEMENTATION DATE. FOR INDIVIDUALS WITH SUFFICIENT SUPERVISION (60 DAYS), IF CONSIDERED APPROPRIATE, COMMANDER CAN DIRECT AN BPR TO C/O NLT 31 JUL 95 OR EARLIER, TO REGAIN PROMOTION ELIGIBILITY PRIOR TO 1 AUG 95 IMPLEMENTATION. EFFECTIVE 1 AUG 95 INDIVIDUALS WITH A REFERRAL OR "2" EPR ON TOP WILL BE INELIGIBLE FOR PROMOTION. AFTER 31 JUL 95, SRA THROUGH SMSGT WILL REGAIN THEIR ELIGIBILITY ONLY AFTER RECEIVING A REPORT WITH A RATING OF "3" OR HIGHER THAT IS NOT A REFERRAL AND CLOSES OUT ON OR BEFORE THE NEXT PECD, IF OTHERWISE ELIGIBLE. AB THRU A1C MEETING TIG/TIS PROMOTION REQUIREMENTS AS OF 1 AUG 95 OR LATER CANNOT BE PROMOTED EARLIER THAN THE CLOSE OUT DATE OF AN BPR WITH A RATING OF "3" OR HIGHER THAT IS NOT A REFERRAL, IF OTHERWISE ELIGIBLE AND APPROVED BY COMMANDER. MPFS MUST IDENTIFY INDIVIDUALS WITH A REFERRAL (AAC 19 MAY BE HELPFUL) OR "2" EPR ON TOP AS OF 1 AUG 95 AND USE PES CODE "N" TO MONITOR THEIR PROMOTION STATUS UNTIL A NEW PES CODE IS AVAILABLE WITH THE NOV 95 SYSTEM RELEASE. ENSURE EVERY EFFORT IS MADE TO NOTIFY INDIVIDUALS WITH A REFERRAL AND/OR "2" BPR ON TOP AS OF 1 AUG 95 OR LATER OF THEIR PROMOTION STATUS. SINCE THIS CHANGE AFFECTS SEVERAL

CMSGT LEE
DPMAJEP, 7-2571

COL LERUM, DPMA, 7-6314
RC: 15970

UNCLASSIFIED

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

MEMORANDUM FOR SAF/MIBR

8 JAN 1998

FROM: HQ AFPC/DPSFC
550 C Street West Ste 37
Randolph AFB TX 78150-4737

SUBJECT: Application for Correction of Military Record - [REDACTED]

Requested Action(s): Applicant requests removal of **an** Article 15, UCMJ action dated 6 Aug 96, and removal of **an** Enlisted Performance Report (EPR) covering the period 2 Nov 95 through 1 Nov 96. The applicant also discusses a Letter of Reprimand dated 14 Nov 96 **but only** requests that the issuing of it be investigated. This advisory discusses the Article 15 and Letter of Reprimand issues only. The EPR data will be discussed under separate cover.

Basis for Request: Applicant contends the Article 15 should be deleted from **his** records because he was advised to withhold the testimony he wanted to give in his defense. Applicant contends if he were allowed to present his testimony, the commander may have elected not to impose the Article 15. Applicant feels his LOR was given unfairly and unjustly **as** reprisal and **as** a way to cover up **an** officer's removal from a position.

Facts: The applicant received an Article 15 on 6 Aug 96, for wrongful use of a government American Express Card. The applicant **was** demoted to staff sergeant and fined (a forfeiture of pay). The portion of the Article 15 calling for the forfeiture **was** suspended **until** Feb 97. Based on the suspension, the Article 15 became mandatory for file in an Unfavorable Information File **Om**). The applicant had the opportunity to provide rebuttal. After moving to a new base, the applicant's new commander gave the applicant his **rank** back (**made** him a technical sergeant again), by suspending *the* demotion portion of his Article 15. Prior to relocating to **his** new base the applicant received a LOR dated 14 Nov 96 for disrespect toward a superior commissioned officer and communicating a threat. The applicant provided rebuttal. The commander indicated in the **LOR**, he intended to file the LOR in the applicant's UIF.

Discussion: Nonjudicial punishment (Article 15), provides commanders **with** an essential and prompt means of maintaining good order and discipline **and** also promotes positive behavior changes in service members without the stigma of a court-martial conviction. It is recommended commanders consider nonpunitive disciplinary measures first, such as counseling, administrative reprimands, etc., before resorting to nonjudicial punishment, however such measures are not necessary **prior** to **imposing** nonjudicial punishment. The Article 15 is mandatory for file in **an**

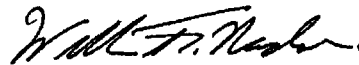
UIF for enlisted personnel when the punishment is in excess of one month, as was the case with the applicant.

The use of the Letter of Reprimand by commanders **and** supervisors is an exercise of supervisory authority and responsibility. **The** LOR is used to reprove, correct and **instruct** subordinates who depart from acceptable norms of conduct or behavior, on or off duty, and helps maintain established Air Force standards of conduct or behavior. The **LOR** is optional for file in the **UIF** for enlisted personnel.

UIFs may be **used** by commanders to form the basis for a variety of adverse actions **as** they relate to the member's conduct, bearing, behavior, integrity and so forth (on or off duty), or less than acceptable duty performance. Commanders have the option to remove an enlisted member's UIF early. The applicant's current commander gave the applicant his rank back, however he did not elect to remove the entire UIF (Article 15 and LOR), which he does have the authority to do (AFI 36-2907, *The Unfavorable Information File Program*). The applicant never stated the Article 15 wasn't warranted. He did imply that for a first time offense he felt the punishment was harsh, given his career highlights, and he believes the commander may not have punished **him** via the Article 15 or at the very least, provided a lesser punishment if the commander would have known **of** the applicant's circumstances, which he (the applicant) was advised not to discuss.

The applicant feels his LOR **was** unjust and based on reprisal, but has failed to provide sufficient documentation to prove his claim.

Recommendation: We are not in the business of assessing a commander's decision making authority when assigning nonjudicial punishment and/or administrative actions to subordinates. We believe denial is appropriate. The applicant had **an** opportunity to provide rebuttal to the Article 15 and LOR. Commanders have no obligation to remove **the** Article 15, LORs, or entire UIF early unless they believe the information presented in the rebuttals warrants it. The applicant's current commander apparently believed the applicant was treated harshly, because he did suspend the applicant's grade reduction. However, he left the UIF in place although he had the authority to remove it early and still does. It appears to this office that the applicant's current commander rectified **any** unjust treatment the applicant experienced from his past commander.



WILLIAM F. NADOLSKI, Maj, USAF
Chief, Commander's Programs Branch



DEPARTMENT OF THE AIR FORCE
AIR FORCE LEGAL SERVICES AGENCY (AFLSA)

27 Jan 98

MEMORANDUM FOR AFBCMR

FROM: AFLSA/JAJM (Major Love)
112 Luke Avenue, Room 343
Bolling Air Force Base, DC 20332-8000

SUBJECT: Correction of Military Records of [REDACTED]

Applicant's request: In an application dated 29 September 1997, the applicant requests that an Article 15, UCMJ, action received in August 1996 and a Letter of Reprimand (LOR) received on 14 November 1996 be removed from his records. The application was submitted within the three-year window provided by 10 U.S.C. 1552(b). The applicant submitted additional matters on 15 Jan 98 claiming his commander did not consider matters the applicant submitted **pertaining** to his military service record before the commander **took** action on the offer for nonjudicial punishment.

The applicant still has not included any evidence to support his contention that his commander did not consider all matters submitted by the applicant, other than the allegations of the applicant and his defense counsel. Even if his contention is true, the matters he refers to would not change the underlying facts of his misconduct. Failure to comply with any of the procedural requirements of imposing nonjudicial punishment does not invalidate the Article 15 unless the error "materially prejudiced a substantial right of the servicemember." (MCM 1995, paragraph 1h) The inadvertent failure of his commander to consider portions of the applicant's submissions in response to his Article 15 would be an error by the commander. However where those matters had no bearing on the underlying facts supporting the charges against the applicant, such as in this case, that error would not result in material prejudice to the rights of the applicant. We stand by our original opinion of 7 Nov 97.

Recommendation: After a review of the available records, I conclude that administrative relief by this office is not appropriate. There are no substantial legal errors requiring corrective action. I therefore recommend that the Board deny the requested relief.

A handwritten signature in cursive script, reading "Loren S. Perlstein".

LOREN S. PERLSTEIN

Associate Chief, Military Justice Division
Air Force Legal Services Agency

15 JAN 98

MEMORANDUM FOR SAFMIBR
ATTN: CMSGT ANDERSON

Subject: Addendum. Correction to Military Records

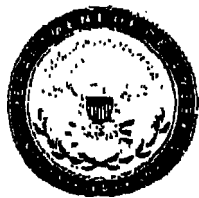
[REDACTED]

1. Please consider the attached documentation with regards to my application for correction to military records dated 29 September, 1997. These additional documents have only recently come to my attention due to the completion of a HQ USAFE [REDACTED] Airlift Wing Inspector General investigation with an end date of 11 December, 1997.

2. After consulting with Captain [REDACTED] of the [REDACTED] Training Wing, Staff Judge Advocate and Captain Preston of the Area Defense Counsel, I believe the procedures for administering an Article 15 were not adhered to. Essentially, I was denied due process. I also believe that, based on my entire military record, and evidence suppressed during the initial and appellate phases of the proceedings, the need for an Article 15 would have been negated. Evidence presented to my First Sergeant, specifically, a 2 inch binder with 128 pages of information, was not allowed into consideration during the investigative and appellate phases of the Article 15 proceedings. Our legal and Area Defense counsel here at [REDACTED] Air Force Base has concluded that testimony to the [REDACTED] AW Inspector General by the appellate authority, the [REDACTED] Operations Group commander, clearly confirms this. I ask you to correct this injustice by eradicating the Article 15 action from my records. I am sure that each of you on the board would want your records to reflect a true and accurate account of your life in the military and your service to the United States. So do I.

3. Thank you for your time in considering these matters. If you have any questions, I may be reached at DSN 736-4382 or 7596,

Attached:
memo from ADC, dtd 14 Jan 98
list of binder documentation



DEPARTMENT OF THE AIR FORCE
AIR FORCE LEGAL SERVICES AGENCY (AFLSA)

14 Jan 98

MEMORANDUM FOR REVIEWING AUTHORITIES

FROM: AFLSA/ADC
319K Avenue, Suite 3
Sheppard AFB TX 76311

SUBJECT: Denial of Due Process - Article 15 Proceedings - [REDACTED]


1. On 8 Sep 97, [REDACTED] filed an Inspector General complaint regarding the subject Article 15 (Non-Judicial Punishment) proceedings. The investigation confirmed that the Article 15 appellate authority, [REDACTED] OG, never received or reviewed a three ring binder containing character evidence submitted by [REDACTED] as part of his Article 15 presentation.

2. According to the Manual for Courts-Martial, Part V, *NonJudicial Punishment Procedure*, commanders ordinarily only consider nonjudicial punishment [Article 15] when administrative measures are inadequate and the record of the servicemember warrants it. Furthermore, nonjudicial punishment is to be considered on an individual basis. Commanders must consider the record of the service member and the effect of nonjudicial punishment on the servicemember's record. Furthermore, once a servicemember accepts nonjudicial punishment, the servicemember has a right to present matters in defense, extenuation and mitigation, orally or in writing. The Manual does not limit the manner, amount or form of the mitigating evidence. Only after considering all of these relevant matters, may a commander impose punishment. These same considerations apply to the appellate authority as he has essentially the same powers (and responsibilities) as the offering commander.

3. In this case, evidence shows that [REDACTED] chain of command failed to include and properly consider matters that he submitted as part of his Article 15 presentation. [REDACTED] commander and first sergeant admit that they "didn't know" that the three ring binder containing a volume of character evidence was submitted as part of [REDACTED] Article 15 presentation. The evidence contained in the three ring binder, was in essence a summary of [REDACTED] service record. This is substantial proof by itself that the offering commander did not properly consider [REDACTED] service

record in deciding whether nonjudicial punishment was appropriate and if so, what level of punishment was warranted. Furthermore, this information was improperly excluded from [REDACTED] appeal package and never considered by the appellate authority. Thus, it appears that [REDACTED] was denied the basic due process afforded all servicemembers in responding to an Article 15.

4. If you have any questions or require further assistance please call me at DSN 736-2186.


ROBERT J. PRESTON II, Capt, USAF
Area Defense Counsel

Contents of 2 inch Binder 128 total pages

Section 1

Character reference letters (4ea)

Section 2

Letters of Appreciation (45ea)

These include, among others, letters from General [REDACTED], CINC USTRANSCOM and CINC AMC, General [REDACTED] and an appointment as an Honorary Correctional Custody NCO.

Section 3

Certificates and Award (15ea)

Section 4

Thank You Notes and Other Pats on the Back (21ea)

These include 2 recommendations to work aboard Air Force One, a nomination for Outstanding Passenger Service Representative for the Year for MAC, Distinguished Graduate, [REDACTED] Bombardment Wing NCO Leadership School, Honor Graduate, Air Traffic Control Technical Training, Distinguished Graduate, Air Base Defense School, and two certificates for saving an 8 year old girls life.

Section 5

Financial Statement

Section 6

Family Pictures

Section 7

EPRs and an LOE (17 total)

10-9 EPRs and 6-5 EPRs, 1 LOE

Section 8

Letters From Dr. (J.C. [REDACTED]) at Fitzsimmins Army Center

Section 9

My Biography

Section 10

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

18 FEB 98

MEMORANDUM FOR AFBCMR

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

SUBJECT: [REDACTED]

Requested Action. The applicant makes several requests to include removal of an Article 15, UCMJ, action, dated 6 Aug 96, and the 1 Nov 96 referral enlisted performance report (EPR). We will address the EPR issue **only**.

Basis for Request. The applicant contends the Article 15 should be removed from his record because he was advised to withhold testimony he wanted to give in his defense. Had he been allowed to present this testimony, the applicant claims the commander may have elected not impose the Article 15. The applicant believes the referral EPR is a result of the Article 15 action.

Recommendation. Deny.

Facts and Comments.

- a. The application is timely filed. No similar application **was** submitted under AFI 36-2401, Correcting Officer and Enlisted Evaluation Reports. We did not return the application since the applicant does not **have** evaluator support.
- b. The governing directive is AFI 36-2403, Enlisted Evaluation System, 15 Jul 94.
- c. The contested EPR is an overall "3" With five of the seven **performance** factors in **section III** marked down one and two blocks from the right. Factor number four was downgraded all the way to the **left** by the indorser which caused the referral.
- d. On 6 Aug 96, the applicant received an Article 15 for misuse of a government American Express card. Instead of using the card for official purposes, the applicant used it for personal purposes in the **sum** of \$2,182.33. As a result, he received a reduction in grade to **staff** sergeant and an \$800 fine which was suspended. On 14 Nov 96, the applicant received a letter of reprimand (LOR) for disrespect toward a superior commissioned officer. The misconduct involved drawing a **skull** and crossbones on a blackboard with the flight commander's first name written below it. On 5 Dec 96, the applicant's unit commander restored **the** applicant to technical

sergeant by suspending the reduction to staff sergeant. The applicant claims that he **has** been told by several officials that this action should be deleted from his record due to certain procedures not being followed.

(1) The applicant claims his first sergeant dissuaded **him** from raising certain defenses during **his** personal presentation to the commander's decision on the Article 15 action. He also claims the legal office could not produce the materials he submitted in his defense of the Article 15, the Board should conclude the commander never considered the materials at all.

(2) In reference to the **LOR**, the applicant contends he did not made the drawing on the blackboard and that he was coerced into accepting the LOR by threats to delay his permanent change of station (PCS). The applicant believes the LOR was a fraudulent action by his commander to cover up the reason for **his** flight commander's removal from her position.

e. HQ AFPC/DPSFC provided a technical advisory, dated 8 Jan 98, in which they address the Article 15 issue. Upon their review, they determined that a recommendation of denial is appropriate. They state, "The applicant's **current** commander apparently believed the applicant was treated harshly, because he did suspend the applicant's grade reduction. However, he left the UIF in place although he had the authority to remove early and **still** does. It appears...that the applicant's current commander rectified any unjust treatment the applicant experienced from his past commander."

f. HQ AFPC/DPPPWB also provided a technical advisory, dated 21 Nov 97, in which they discuss which actions will be taken should the applicant's record be corrected.

g. AFLSA/JAJM provided two advisories, dated 7 Nov 97 and 27 Jan 98. (The 27 Jan 98 advisory was prepared subsequent to the applicant's submission of new documentation in rebuttal to the Article 15.) They do **not** believe the applicant's assertions support relief in **this case**, and they concluded that administrative relief **is** not appropriate.

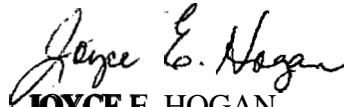
h. The applicant contends the EPR should be removed from his records because his evaluators failed to follow appropriate procedures. **As** a result, the applicant filed an inspector general (IG) complaint, and the applicant states in his brief that a **3,000** page IG report **has** been sent to the Board. Neither the **3,000** page report nor a *summary* report of inquiry are included with this appeal. Regardless of whether or not the IG report determines the LOR or Article 15 were handled inappropriately, **this** does **not** negate the behavior noted on the EPR regarding the misuse of the credit card. We note there **is** no comment on the **EPR** regarding the **LOR** or the reason he received the LOR. The applicant, himself, does not dispute the fact that he abused the credit **card**. For this reason, the EPR should remain a valid document filed in the applicant's master personnel record group.

i. The applicant also contends the EPR shows a report period of 366 **days** of supervision. He states he was on temporary **duty** (**TDY**) for 166 days during that period, and the number of days should reflect 200 days of supervision. The applicant **has** not substantiated **this** claim **with** supporting documentation to verify the number of days of supervision is incorrect.

One thing the applicant should keep in mind is that **AFI 36-2403**, paragraph **4.3.9.2**, states 30 or more **consecutive** calendar days during which the ratee did not perform normal duties under the rater's supervision will be deducted from the number of days supervision. If the applicant is able to substantiate his TDY(s) were 30 or **more** consecutive days in length; i.e., travel vouchers, then we would not object to adjusting the number of days of supervision on the contested EPR.

j. We note that the indorser on the contested referral EPR was either *the* rater or indorser on the applicant's **three** previous EPRs in **which** he received "5s" and firewalled reports. **This** proves that an evaluation report is written to document the performance for a specific period of time based on the performance noted during that period, not based on based on previous performance/conduct. **This** does not allow for changes in the ratee's performance/conduct and does not follow the intent of the governing regulation, **AFI 36-2403**. It appears the rater and indorser carried out **their** responsibilities as they were charged to do.

Summary. Based on the findings of AFLSA/JAJM and HQ AFPC/DPSFC, we strongly urge the **AFBCMR** to deny the appeal to **void** the EPR. The behavior noted in the EPR did, indeed, occur, and the applicant is essentially asking to wipe his slate clean for a fresh start. This cannot happen.



JOYCE E. HOGAN
Chief, BCMR and SSB Section
Directorate of Pers Program Mgt



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

SEP 24 1998

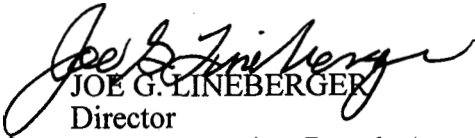
Office of the Assistant Secretary

AFBCMR 97-02979

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, [redacted] be corrected to reflect that [redacted] of [redacted] Reprimand, dated 14 November 1996 be, and hereby is, declared [redacted] and [redacted] on [redacted] records.


JOE G. LINEBERGER
Director
Air Force Review Boards Agency