

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-03143

COUNSEL: NONE

HEARING DESIRED: NO

DEC 4 1 1993

APPLICANT REQUESTS THAT:

He be considered for promotion to the grade of major by a Special Review Board (SRB), to include a personal letter to the Board President, for the Fiscal Year 1998 (FY98) Air Force Reserve Line/Nonline Major Board.

APPLICANT CONTENDS THAT:

A personal letter, summarizing the medical predicament that was harmful to his career, was written and sent to the President of the FY98 major promotion board. Applicant states that he has recently discovered that the letter was not present during his promotion consideration. Also, the promotion board did not have documentation showing his Individual Mobilization Augmentee (IMA) participation with the Air Force Rescue Coordination Center (AFRCC). His current Officer Performance Report (OPR) (12 Aug 97) reflects his abilities soon after he was able to return to flying status. Unfortunately, the previous two OPRs could not show the progression or accomplishments toward the AFRCC mission that he is capable of. Also, evidence or documentation showing his contributions as an IMA to the AFRCC was not present at the board.

In support of his appeal, applicant submits documentation which includes a copy of the letter, dated 10 January 1997, submitted to the President of the FY98 Air Force Reserve Major Promotion Board.

Applicant's submission is attached at Exhibit A.

STATEMENT OF FACTS:

Applicant is currently serving on extended active in the Air Force Reserve, in the grade of captain.

-

Applicant was considered for promotion to the Reserve grade of major by the FY98 Air Force Reserve Line/Nonline Major Board, which convened on 3 March 1997, but was not selected.

Applicant's OPR profile is as follows:

<u>PERIOD ENDING</u>	<u>OVERALL EVALUATION</u>
12 Oct 90	Meets Standards
19 Oct 90	Education/Training Report
11 Sep 91	Meets Standards
11 Sep 92	Meets Standards
12 Aug 94	"No report available for above period"
12 Aug 95	Meets Standards
# 12 Aug 96	Meets Standards
12 Aug 97	Meets Standards
14 Feb 98	Meets Standards

Top report at time of nonselection for promotion to the Reserve grade of major

AIR FORCE EVALUATION:

The Deputy Director, Directorate of Personnel Program Management, HQ ARPC/DPJA, states that the applicant's record was correct when it met the promotion board. The applicant's letter was in his Officer Selection Folder (OSF) and his point credit was correct on his Officer Selection Brief (OSB) when his record met the board. They recommend the applicant's request be denied.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 15 December 1997 for review and response 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. 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, we are not persuaded that he should be considered for promotion to the Reserve grade of major by a special review board (SRB), for the **FY98** Air Force Reserve Line/Nonline Major Board, to include a personal letter to the Board President. His contentions are duly noted; however, we do not find these uncorroborated assertions, in and by themselves, sufficiently persuasive to override the rationale provided by the Air Force. Applicant alleges that he discovered the personal letter he submitted to the President of the promotion board was not present when his records met the **FY98** promotion board. However, he does not submit evidence to substantiate this allegation. He also contends that the FY98 promotion board did not have documentation showing his IMA participation with the AFRCC. After reviewing the applicant's Officer Selection Record (OSR), to include the Officer Selection Brief (OSB) that was reviewed by the **FY98** promotion board, we note that his participation in the AFRCC was reflected on the OSB and the promotion board was aware of this participation. Also, information obtained from AFRC/DPJA indicates that they did receive applicant's letter to the Board President; however, these letters are not kept on file and are destroyed after the convening of the promotion boards. Given the presumption of regularity on the part of the Air Force, we are not persuaded that the applicant's records were not correct when they met the FY98 promotion board. We therefore agree with the recommendation 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:

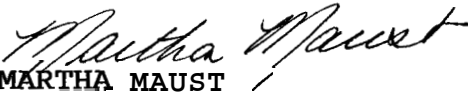
The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered this application in Executive Session on 17 September 1998, under the provisions of AFI 36-2603.

Ms. Martha Maust, Panel Chair
Mr. Loren S. Perlstein, Member
Ms. Ann L. Heidig, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 15 Oct 97, w/atchs.
- Exhibit B. Applicant's Officer Selection Record.
- Exhibit C. Letter, HQ ARPC/DPJA, dated 1 Dec 97.
- Exhibit D. Letter, AFBCMR, dated 15 Dec 97.


MARTHA MAUST
Panel Chair



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR RESERVE PERSONNEL CENTER

01 DEC 1997

MEMORANDUM FOR AFBCMR

FROM: HQ ARPC/DPJA
6760 E Irvington Pl #2000
Denver CO 80280-2000

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

1. The requested correction **cannot** be accomplished administratively at this headquarters.
2. The applicant requests that he be reconsidered for selection by the FY98 Air Force Reserve Line/Nonline Major Board that convened 3 March 1997.
3. The following is an analysis of the circumstances surrounding the case:
 - a. The applicant was considered but not selected by the FY98 board.
 - b. The applicant states that his letter to the President of the board was not in his record, and that his Officer selection brief (OSB) was incorrect.
4. Recommend denial of the applicant's request. The member's record **was** correct when it met the board. The applicant's letter **was** in his officer selection folder and his point credit **was** correct on his OSB when his record met the board.
5. If the Air Force Board for Correction of Military Records (AFBCMR) agrees with our recommendation, no further action is **required**.
6. If the AFBCMR disagrees with our recommendation, the following actions should be taken:
 - a. The member should **meet** a special selection board (SSB) in lieu of the FY98 board.

9703143

b. If selected by the SSB, the applicant should be promoted with a date of rank of 27 July 1998, which is the date he would have been promoted had he been selected by the FY98 board.

7. If you have any questions, contact Sylvia Owens at DSN 926-6398 or e-mail sowens@arpcmail.den.disa.mil.


DARYL L. GRUNEISEN
Deputy Director

9703143