

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-03280

COUNSEL: NONE

HEARING DESIRED: YES

JAN 15 1999

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APPLICANT REQUESTS THAT:

1. The Officer Performance Report, AF Form 707A, rendered for the period 16 April 1993 through 15 April 1994, be amended in Block I, Item 4, DAFSC, to reflect "51J3"; in Block I, Item 8, Organization, Command, Location, to reflect "2400 RRMS OL-AD04, with duty at 440 Airlift Wing (ACC), General Mitchell IAP-ARS WI"; and in Block VI, Rater Overall Assessment, to reflect the rater's grade and branch of service as "Brig Gen, USAFR".

2. The Promotion Recommendation Form (PRF), AF Form 709, prepared for the Calendar Year 1994A Central Lieutenant Colonel Board be amended in Block I, Item 4, DAFSC, to reflect "51J3" and in Block I, Item 5, Organization, Command, Location, to reflect "2400 RRMS OL-AD04, with duty at 440 Airlift Wing (ACC), General Mitchell IAP-ARS WI".

3. The Officer Selection Brief, dated 23 September 1994, be amended to reflect the first entry under Assignment History as DAFSC "51J3", CMD LVL "W/B", and Organization "Airlift Wing".

4. He be considered for promotion by Special Selection Board (SSB) for the CY94A Lieutenant Colonel Selection Board.

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APPLICANT CONTENDS THAT:

The erroneous information in his OPR, PRF, and OSB mischaracterized his duty as being that of a squadron, rather than a wing, Staff Judge Advocate (SJA). The incorrect entries significantly reduced the perceived importance of his assignment and contributed to his nonselection for promotion in 1994.

In support of the appeal, the applicant submits a copy of an AFBCMR case on Major T---.

The applicant's complete submission is attached at Exhibit A.

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STATEMENT OF FACTS:

The applicant is currently serving on extended active duty in the grade of major.

The applicant was considered and not selected for promotion by the CY94A, CY95B and CY97B Lieutenant Colonel Selection Boards.

The applicant submitted a similar request to the Evaluation Report Appeals Board (ERAB), which was denied on 31 May 1995.

A resume of applicant's performance, since 1987, follows:

<u>PERIOD ENDING</u>	<u>OVERALL EVALUATION</u>
7 Oct 87	1-1-1
15 Apr 88	1-1-1
15 Apr 89	Meets Standards (MS)
15 Apr 90	MS
15 Apr 91	MS
15 Apr 92	MS
15 Apr 93	MS
* 15 Apr 94	MS
# 15 Apr 95	MS
15 Apr 96	MS
15 Apr 97	MS
25 Sep 97	MS

\* Contested report and top report reviewed by the CY94A Lt Col board.

# Top report reviewed by the CY95B Lt Col board.

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AIR FORCE EVALUATION:

The Chief, Evaluation Programs Branch, AFPC/DPPPEP, reviewed this application and states the documents provided do not reveal technical errors or a violation of regulatory provisions. It appears this case is an attempt to get an "easy fix" to the applicant's report without going through the proper process of first correcting what caused the perceived errors, then correcting the OPR. The unit information on the contested OPR is accurate as written, and they recommend the Board deny the appeal until such time as the applicant complies with previous guidance and is subsequently able to prove errors exist on his OPR.

AFPC/DPPPEP states that if, however, the Board determines a change should be made to his organization data, any change must include the detachment nomenclature "OL-AD04." Applicant's requested nomenclature omits this important fact and implies he

was assigned to 2400 RRMS. This is clearly erroneous and misleading. As applicant contends "misleading" information on his OPR contributed to his nonselection, they caution the Board to ensure any changes they direct are also not misleading. Furthermore, evaluator identification may not reflect that two general officers signed the OPR and two general officer signatures are strictly prohibited. Should the Board make a decision to the contrary, it would be a blatant violation of Air Force policy and seriously undermine the integrity of the officer evaluation system.

Additionally, the applicant's 6 November 1997 letter attaching supporting documentation to his package clearly shows his OPR closing out 15 April 1995 is also in direct violation of policy guidance and directives. They recommend the Board direct correction of the 15 April 1995 OPR to reflect the rater's rank as GM-15 in order to bring the report into regulatory compliance.

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

The Chief, BCMR and SSB Section, AFPC/DPPPA, reviewed this application and states that based on the findings of AFPC/DPPPEP, they recommend the appeal be denied.

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

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the Air Force evaluations and states the following:

a. AFPC/DPPPEP advisory does not adequately explain why his case is so different from Major T--- that he should not receive the same sort of relief from the AFBCMR. In fact, he and Major T--- were so similarly situated, as active duty staff judge advocates, serving in newly created active duty positions, at Reserve bases, having most of the same kinds of mistakes made on their 1994 OPRs, that for the AFBCMR to deny his petition, after granting Major T---, would be blatantly arbitrary and capricious.

b. Although AFPC/DPPPEP states that AFR 36-10 "clearly caps the senior rater's rank at the first general officer in the rating chain, thereby prohibiting multiple general officer endorsements.", they do not cite or quote a specific provision of the regulation.

c. AFPC/DPPPEP maintains that his DAFSC should not be changed unless he can get the Unit Manning Document (UMD) changed to support the DAFSC. However, they have clearly lost sight of one of the primary purposes of OPRs which is to give promotion

selection boards an accurate record of the duty performance of promotion candidates, including the correct level, DAFSC, of the duty position held.

d. AFPC/DPPPEP is wrong when stating there was a detachment of the 2400<sup>th</sup> RRMS located at Mitchell Field at any time when he was the SJA there. The 2400 RRMS and its successor unit, to which he was assigned, were located at Robins Air Force Base in Georgia, far from Milwaukee, Wisconsin which is where Mitchell Field is located. To imply that he was supported by a detachment of the 2400 RRMS, that did not even exist at the base where he performed his duty, is a grave insult. At GMIAP-ARS, he performed duty under the direct supervision of the 440<sup>th</sup> Airlift Wing commander. Whatever local administrative help he received came from the orderly room of the 440<sup>th</sup> AW - not from the 2400<sup>th</sup> MS or any detachment of it.

e. AFPC/DPPPEP's request that the AFBCMR direct correction of the OPR, closing 15 April 1995 is absurd. The OPR was accepted and processed by the personnel system without change or comment on AFMPC's part. They cannot reasonably claim the requested changes to his 1994 OPR are inappropriate when the personnel system accepted his 1995 OPR with all the changes on it that he wants made to my 1994 OPR.

The applicant's complete response is attached at Exhibit F.

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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 thoroughly reviewing the evidence of record and noting the applicant's contentions, we believe the contested OPR, PRF and OSB incorrectly portray the applicant's duties as being at the squadron level, rather than at the wing level. Several Reserve general officers have provided statements indicating that the applicant was performing duties as a wing-level SJA, rather than at the squadron level, during the contested period. In view of these statements, the Unit Mission Description for the 440<sup>th</sup> Airlift Wing, in our view, would more accurately describe the organization in which he performed his duties. In accordance with the governing directive, the applicant's DAFSC, then should have reflected "51J3", which denotes assignment to wing-level duty. Furthermore, since the applicant actually performed his duties in a different organization than the one indicated by a translation of the Personnel Accounting Symbol (PAS) code, the phrase, 'with duty at 440 Airlift Wing (ACC), General Mitchell

IAP-ARS WI", should have been included in the Organization, Command, Location sections on both the OPR and PRF. While it cannot be conclusively determined whether or not these errors were the sole reason for applicant's nonselection for promotion by the board in question, we do believe that it served to deprive him of fair and equitable consideration. Therefore, we recommend his corrected record be considered by Special Selection Board for the CY94A board

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~~THE BOARD RECOMMENDS THAT:~~

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that:

a. The Officer Performance Report, AF Form 707A, rendered for the period 16 April 1993 through 15 April 1994, be amended in Block I, Item 4, DAFSC, to reflect "51J3"; in Block I, Item 8, Organization, Command, Location, to reflect "2400 RRMS OL-AD04, with duty at 440 Airlift Wing (ACC), General Mitchell IAP-ARS WI"; and in Block VI, Rater Overall Assessment, to reflect the rater's grade and branch of service as "Brig Gen, USAFR".

b. The Promotion Recommendation Form (PRF), AF Form 709, prepared for the Calendar Year 1994A Central Lieutenant Colonel Board be amended in Block I, Item 4, DAFSC, to reflect "51J3" and in Block I, Item 5, Organization, Command, Location, to reflect "2400 RRMS OL-AD04, with duty at 440 Airlift Wing (ACC), General Mitchell IAP-ARS WI".

It is further recommended that his corrected record, to include an Officer Selection Brief reflecting the first entry under Assignment History as DAFSC "51J3", CMD LVL "W/B", and Organization "Airlift Wing", be considered for promotion to the grade of lieutenant colonel by a Special Selection Board for the Calendar Year 1994A Central Lieutenant Colonel Board and for any subsequent boards for which the corrected OPR, closing 15 April 1994, was not a matter of record.

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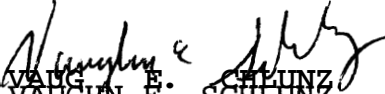
The following members of the Board considered this application in Executive Session on 29 October 1998, under the provisions of AFI 36-2603:

Mr. Vaughn E. Schlunz, Panel Chair  
Mr. Loren S. Perlstein, Member  
Mr. Terry A. Yonkers, Member  
Mr. Phillip E. Horton, Examiner (without vote)

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

Exhibit A. DD Form 149, dated 31 Oct 97, w/atchs.

- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPPAB, dated 23 Mar 98.
- Exhibit D. Letter, AFPC/DPPPA, dated 31 Mar 98.
- Exhibit E. Letter, SAF/MIBR, dated 3 Jun 98.
- Exhibit F. Letter, Applicant, dated 21 Apr 98, w/atchs.

  
VAUGHN E. SCHLUNZ  
Panel Chair



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, D. C.

Office of the Assistant Secretary

AFBCMR 97-03280

JAN | 5 1999

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] be corrected to show that:

a. The Officer Performance Report, AF Form 707A, rendered for the period 16 April 1993 through 15 April 1994, be amended in Block I, Item 4, DAFSC, to reflect "51J3"; in Block I, Item 8, Organization, Command, Location, to reflect "2400 RRMS OL-AD04, with duty at 440 Airlift Wing (ACC), General Mitchell IAP-ARS WI"; and in Block VI, Rater Overall Assessment, to reflect the rater's grade and branch of service as "Brig Gen, USAFR".

b. The Promotion Recommendation Form (PRF), AF Form 709, prepared for the Calendar Year 1994A Central Lieutenant Colonel Board be amended in Block I, Item 4, DAFSC, to reflect "51J3" and in Block I, Item 5, Organization, Command, Location, to reflect "2400 RRMS OL-ADO4, with duty at 440 Airlift Wing (ACC), General Mitchell IAP-ARS WI".

It is further directed that his corrected record, to include an Officer Selection Brief reflecting the first entry under Assignment History as DAFSC "51J3", CMD LVL "W/B", and Organization "Airlift Wing", be considered for promotion to the grade of lieutenant colonel by a Special Selection Board for the Calendar Year 1994A Central Lieutenant Colonel Board and for any subsequent boards for which the corrected OPR, closing 15 April 1994, was not a matter of record.

  
JOE G. LINEBERGER  
Director  
Air Force Review Boards Agency