

SEP 10 1998

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-03374

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

He be considered for promotion to the grade of lieutenant colonel by Special Selection Board (SSB) for the Calendar Year (CY) 1997C Lieutenant Colonel Board, with the Meritorious Service Medal (First Oak Leaf Cluster) (MSM(1OLC)) for the period 16 March 1993-28 February 1995, included in his Officer Selection Record (OSR).

APPLICANT CONTENDS THAT:

His official records currently identify only one MSM, which may have had a bearing on his nonselection for lieutenant colonel during the CY97C board. This discrepancy apparently existed at the time of the CY97C board despite his efforts to correct the records prior to the board.

The MSM for the period 9 August 1989-15 March 1993 was awarded after the second MSM - resulting in both being issued as basic medals. He recognized the impact of the oak leaf cluster (OLC) error on his preselection Report on Individual Personnel (RIP) and immediately contacted his military personnel flight (MPF) and provided copies of all citations and special orders. Based on the MPF's aggressive response to this problem, he felt certain that his records were correct at the time of the board.

Applicant's request and documentation associated with this appeal are at Exhibit A.

STATEMENT OF FACTS:

On 14 April 1981, applicant was appointed as second lieutenant, Reserve of the Air Force, and was ordered to extended active duty. He served on continuous active duty, was integrated into the Regular component on 26 February 1985, and progressively promoted to the grade of major.

A resume of applicant's OERs/OPRs subsequent to his promotion to captain follows.

<u>PERIOD CLOSING</u>	<u>OVERALL EVALUATION</u>
15 Feb 86	1-1-1 (w/LOE)
15 Feb 87	1-1-1
15 Feb 88	1-1-1
15 Feb 89	Meets Standards (MS)
8 Aug 89	MS
8 Aug 90	MS
8 Aug 91	MS
8 Aug 92	MS
28 Oct 93	MS
28 Oct 94	MS
29 Nov 95	MS
* 31 Dec 96	MS

* Top report in file when considered and not selected for promotion by the CY97C Lt Col Board, which convened on 21 July 1997.

Applicant was awarded the Meritorious Service Medal for outstanding noncombat meritorious service during the period 9 August 1989 - 15 March 1993, per Special Order GB-45, dated 14 March 1995.

He was awarded the MSM (First Oak Leaf Cluster) (MSM(10LC)) for outstanding noncombat meritorious service during the period 16 March 1993 - 28 February 1995, per Special Order GB-49, dated 23 January 1995, as amended by Special Order GB-225, dated 9 June 1997.

Both the basic MSM and the MSM(10LC) are currently in the applicant's Officer Selection Record.

AIR FORCE EVALUATION:

The BCMR Appeals and SSB Section, AFPC/DPPPA, reviewed this application and did not support SSB consideration, stating the applicant has not demonstrated that he exercised reasonable diligence in ensuring his record was complete prior to promotion consideration.

In reviewing applicant's OSR, DPPPA noted the MSM(10LC) was, indeed, not annotated on his officer selection brief (OSB), and the citation itself does not have a file date stamp on the reverse side, but the front side reflects the applicant's board record number in the upper right hand corner. (This number is written on documents that arrive after all eligible officers' records have been frozen for board consideration.) Since there is no file date stamp, DPPPA cannot verify whether it was considered by the board.

The officer preselection brief (OPB) is sent to each eligible officer several months prior to a selection board and contains data that will appear on the OSB at the central selection board. Written instructions attached to the OPB and given to the officer before the central selection board specifically instruct him/her to carefully examine the brief for completeness and accuracy. If any errors are found, he/she must take corrective action prior to the selection board, not after. DPPPAs noted applicant was also considered by the CY96C Board (below the promotion zone (BPZ)), and the OSB for that board only included the basic MSM. The applicant has not shown that he made any attempt to correct this discrepancy prior to the CY96C (BPZ) board. They do not believe the applicant exercised "reasonable diligence" in his attempts to get this discrepancy corrected prior to the CY97C board.

Each officer eligible for promotion consideration is advised of the entitlement to communicate with the board president. The applicant could have used this means to inform the CY97C board president of the missing MSM(10LC) citation and its contents. However, DPPPAs verified applicant elected not to exercise this entitlement.

The complete evaluation is 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 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 warranting corrective action. After careful consideration of the applicant's complete submission, we believe some doubt exists as to whether the applicant's records were properly constituted when he was considered for promotion by the CY97C Lieutenant Colonel Board. In this regard, the Officer Selection Brief prepared for the CY97C board did not reflect applicant's receipt of the MSM(10LC) for the period 16 March 1993 to 28 February 1995. In addition, the Air Force office of primary responsibility advised that while the citation for the MSM(10LC) does not have a file date on the reverse side, the front side reflects the applicant's board record number in the upper right hand corner. However, they cannot verify whether the citation was considered by the selection board. It is

not certain what impact the absence of information pertaining to the MSM(10LC) may have had on the applicant's chances for promotion to the grade of lieutenant colonel. However, with the award now a matter of record, we believe any doubt should be resolved in applicant's favor. Therefore, we recommend that applicant's records be corrected as indicated below and that he be considered for promotion to the grade of lieutenant colonel by Special Selection Board with the corrected record.

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 citation to accompany the award of the Meritorious Service Medal (First Oak Leaf Cluster) for the period 16 March 1993 to 28 February 1995, was accepted for file in his Officer Selection Record on or before 1 July 1997.

b. The Officer Selection Brief viewed by the CY97C Lieutenant Colonel Board be amended under the "Decorations" section to include the Meritorious Service Medal (First Oak Leaf Cluster) for the period 16 March 1993 to 28 February 1995.


It is further recommended that he be considered for promotion to the grade of lieutenant colonel by Special Selection Board for the CY97C (21 July 1997) Lieutenant Colonel Board, with the corrected record.

The following members of the Board considered this application in Executive Session on 18 June 1998, under the provisions of AFI 36-2603:

Mr. Charles E. Bennett, Panel Chair
Mr. Steven A. Shaw, Member
Mr. John T. Dorsett, Member

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

Exhibit A. DD Form 149, dated 10 Nov 97, w/atchs.
Exhibit B. Applicant's Master Personnel Records.
Exhibit C. Letter, AFPC/DPPPA, dated 5 Dec 97.
Exhibit D. Letter, SAF/MIBR, dated 15 Dec 97.


CHARLES E. BENNETT
CHARLES E. BENNETT
Panel Chair



DEPARTMENT OF THE AIR FORCE
WASHINGTON DC

SEP 10 1998

Office of the Assistant Secretary

AFBCMR 97-03374

MEMORANDUM FOR THE CHIEF OF STAFF

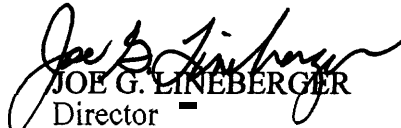
Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED] be corrected to show that:

a. The citation to accompany the award of the Meritorious Service Medal (First *Oak* Leaf Cluster) for the period 16 March 1993 to 28 February 1995, was accepted for file in his Officer Selection Record on or before 1 July 1997.

b. The Officer Selection Brief viewed by the CY97C Lieutenant Colonel Board be, and hereby is, amended under the "Decorations" section to include the Meritorious Service Medal (First *Oak* Leaf Cluster) for the period 16 March 1993 to 28 February 1995.

It is **further** directed that he be considered for promotion to the grade of lieutenant colonel by Special Selection Board for the CY97C (21 July 1997) Lieutenant Colonel Board, with the corrected record.


JOE G. LINEBERGER
Director
Air Force Review Boards Agency