

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-03475

OCT 22 1998

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His corrected record be considered by a Special Selection Board (SSB) for promotion to the grade of lieutenant colonel by the CY97C (21 July 1997) Central Lieutenant Colonel Selection Board (P0597C).

APPLICANT CONTENDS THAT:

The PME recommendations were incorrect on the OPR, closing 25 October 1996, when considered by the CY97C Central Lieutenant Colonel Board. His commanders incorrectly determined that it was inappropriate to recommend any major for attendance to Senior Service School (SSS).

The information on his Officer Selection Brief (OSB), seen by the CY97C Central Lieutenant Colonel Board, contained a duty title that was in error and a missing duty title. His duty history entry, effective 2 October 1992, should have reflected "Chief, Commodities Section" instead of "1" and addition of a 23 June 1997 duty history entry to read, "Deputy Commander of Operations, 4407 Reconnaissance Squadron."

In support of his request, applicant submits a copy of a letter he sent to the CY97C Lieutenant Colonel Selection Board President and an extract from the Personnel Data System (PDS) of his duty history (Exhibit A).

STATEMENT OF FACTS:

Information extracted from the Personnel Data System (PDS) reveals the applicant's Total Active Federal Military Service Date (TAFMSD) as 1 June 1981. He was integrated into the Regular Air Force on 27 August 1985. The applicant is currently serving on active duty in the grade of major, with an effective date and date of rank of 1 January 1994.

The applicant's initial request for correction of his assignment history was administratively corrected subsequent to the CY97C Lieutenant Colonel Selection Board. The applicant's request to

have the contested OPR corrected to reflect PME recommendations of "SSS" was corrected via his AFI 36-2401 application subsequent to the CY97C selection board; however, SSB consideration was not approved.

Applicant's OPR profile, commencing with the report closing 29 Jun 93, follows:

<u>Period Ending</u>	<u>Evaluation</u>
29 Jun 93	Meets Standards (MS)
23 May 94	MS
25 Oct 94	MS
25 Oct 95	MS
* 25 Oct 96	MS
25 Oct 97	MS

* Top report at the time he was considered and nonselected for promotion to lieutenant colonel by the CY97C Central Lieutenant Colonel Board, which convened on 21 July 1997.

AIR FORCE EVALUATION:

The Directorate of Assignments, HQ AFPC/DPAIS1, provided a technical advisory. DPAIS1 stated that the applicant's 2 Oct 92 entry has previously been corrected by the Military Personnel Flight (MPF) to reflect the duty title of "Chief, Commodities Section" based on the OPR submitted. The applicant also submitted an AF Form 2096 to validate his request for the 23 Jun 97 entry of "Deputy Commander of Operations, 4407 Reconnaissance Squadron." This AF Form 2096 coincides with the update made by the MPF. DPAIS1 concurs with the corrections made. DPAIS1 also made a correction to the 28 Aug 88 duty history entry to reflect the duty location of St. Louis (Exhibit C).

The Directorate of Personnel Program Management, HQ AFPC/DPPPA, reviewed this application and recommended denial. DPPPA stated that the 2 Oct 92 contested entry has been a matter of record for over five years. The applicant submitted an application under AFI 36-2401 to request that his 25 Oct 96 OPR be corrected to show a recommendation for SSS instead **of** ISS. The request was approved, but the applicant was not granted promotion reconsideration by the P0597C board on this issue.

DPPPA stated applicant's claim that the earliest evidence of the number "1" entered in error on this entry is dated 1 Apr 96 lacks validity. DPPPA retrieved copies of the applicant's Officer Selection Briefs (OSBs) from the CY94A (11 Oct 94) and CY96C (8 Jul 96) lieutenant colonel below-the-promotion zone (BPZ) boards and noted that the 2 Oct 92 entry on both OSBs also included the "1" under the duty title section. The applicant received OPBs for **both** of these BPZ boards, yet he took no action to get the information corrected until he was nonselected by the

P0597C (in-the-promotion zone (IPZ) board). Regardless, even though the information on the OSB was in error, the applicant's officer selection record (OSR) contained an evaluation report covering that period of time, and DPPPA believes the promotion board took this into consideration when his record was considered. The applicant could have addressed this missing information in a letter to the board president. DPPPA does not support promotion reconsideration on this issue.

DPPPA indicated that the applicant's letter to the board president concerning his 23 Jun 97 duty history entry not being included on the P0597C OSB was received and forwarded for inclusion in his officer selection record (OSR) on 18 Jul 97, prior to the convening of the selection board on 21 Jul 97. Since the board took this into consideration during the promotion process, DPPPA does not support promotion reconsideration on this issue.

DPPPA stated that while it may be argued that the erroneous duty history entry (2 Oct 92) was a factor in the applicant's nonselection, there is no clear evidence that it negatively impacted his promotion opportunity. Central boards evaluate the entire OSR. DPPPA is not convinced that either the erroneous entry on the OSB or the wrong level of PME recommendation on the 25 Oct 96 OPR contributed to the applicant's nonselection. A complete copy of this evaluation is appended at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

He asks the Board to waive the untimeliness in the interest of justice. The absence of the Oct 92 duty history on his OSB was by no means a minor omission. The promotion board members were unable to tell from his OSB that he held an extremely responsible position as the chief of one of the Air Force's largest commodities flights, while career broadening into contracting and manufacturing. This constituted an error that justifies a Special Selection Board (SSB). As to the Jun 97 duty history update, it is clearly evident that his duty title and its implied responsibilities as an operations officer (Deputy Commander of Operations [Deployed]) were not reflected on his OSB at the time the promotion board convened. He was informed by the Military Personnel Flight (MPF) in Saudi Arabia that this update could not be made until he returned to his home base. Because he was not returning home prior to the date of the promotion board, he sent a letter to the board president advising the board of his current duty title. He does not believe the board members saw that letter. Although DPPPA now insists they did, this determination is in conflict with information previously supplied to him by AFPC. Of the three errors/omissions existing within his records at the time they were reviewed by the CY97C promotion board, the PME error is by far the most damaging. He has provided a statement from his rating chain acknowledging that he should have received a recommendation for SSS; and, it never was their

intention to send the negative signal embedded within this inadvertent and inappropriate PME recommendation.

He petitions the Board for the opportunity to meet an SSB. He firmly believes that these three errors within his record made it impossible for the board members to fairly and accurately assess his promotion potential. A complete copy of this response is appended at Exhibit F.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application concerning the 23 June 1997 duty history was timely filed. The issue regarding the 2 October 1992 duty history entry was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.
3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. We noted that the requested duty title corrections to applicant's assignment history were made by the Air Force office of primary responsibility, HQ AFPC/DPAIS1. With regard to applicant's request for promotion consideration by a Special Selection Board (SSB), we are unpersuaded by the documentation provided that the applicant has been the victim of an injustice. In this respect, we note that even though his Officer Selection Brief (OSB), prepared for the P0597C selection board, did not accurately reflect his 2 October 1992 duty title, the duty title of "Chief, Commodities Section" was correctly reflected on his Officer Performance Report (OPR), closing 29 June 1993. Hence, it is our opinion, that the selection board would have been knowledgeable of the applicant's correct duty title during that period of time. As to the 23 June 1997 duty history entry, the Air Force office of primary responsibility, HQ AFPC/DPPPA, stated that the applicant's letter to the P0597C board president, which explained his then current duty title, was in his Officer Selection Record (OSR) when it was considered by the P0597C selection board. Therefore, we believe the P0597C selection board was aware of the information. With regard to the OPR, closing 25 October 1996, reflecting the incorrect Professional Military Education (PME) recommendation, we note that the report was subsequently corrected, through his AFI 36-2401 application, to reflect a recommendation for Senior Service School (SSS). Although the OPR under review did not reflect the SSS recommendation, we noted that the Promotion Recommendation Form (PRF), prepared for the P0597C selection board, did in fact recommend the applicant for SSS selection. Therefore, in our opinion, the selection board was well aware of the appropriate PME recommendation. In view of the foregoing, we believe the members of the P0597C selection board were knowledgeable of the applicant's complete duty history and the appropriate PME recommendation at the time he was

considered for promotion to lieutenant colonel. We therefore conclude that no basis exists to recommend favorable action on the applicant's request for SSB consideration.

THE BOARD DETERMINES THAT:

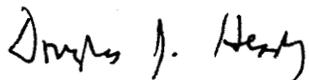
The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence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

The following members of the Board considered this application in Executive Session on 11 August 1998, under the provisions of AFI 36-2603:

Mr. Douglas J. Heady, Panel Chair
Mr. Joseph G. Diamond, Member
Mr. Henry Romo Jr., Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 12 Nov 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, HQ AFPC/DPAIS1, dated 16 Dec 97.
- Exhibit D. Letter, HQ AFPC/DPPPA, dated 15 Jan 98, w/atchs.
- Exhibit E. Letter, SAF/MIBR, dated 2 Feb 98.
- Exhibit F. Letter from applicant, dated 27 Feb 98, w/atchs.



DOUGLAS J. HEADY
Panel Chair



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



MEMORANDUM FOR AFBCMR

16 DEC 1997

FROM: HQ AFPC/DPAIS1
550 C Street West, Suite 32
Randolph AFB, TX 78150-4734

SI Application for Correction of Military Records (DD 149)
[REDACTED]

Requested Action. The applicant requests two corrections to his duty history. He also requests Special Selection Board consideration if any corrections are made.

Reason for Request. Applicant requests his duty history dated 2 Oct 92 be updated to reflect "Chief, Commodities Section" instead of "1" and his 23 Jun 97 entry be added to read "Deputy Commander of Operations 4407 Reconnaissance SQ."

Discussion. Applicants 2 Oct 92 entry has previously been corrected by MPF to reflect duty title of "Chief, Commodities Section" based on OPR's submitted. The applicant submitted an AF Form 2096 to validate his request for the 23 Jun 97 entry as "Deputy Commander of Operations 4407 Reconnaissance SQ." This AF Form 2096 coincides with the update made by the MPF. We concur with their corrections. Also in reviewing applicant's records, the organization location on his 28 Aug 88 entry was not clear text, so I corrected it to read St Louis.

Recommendation. Prior to CY 97 Lt Col Board, member sent a letter dated 10 Jul 97 to Board President regarding duty entry dated 23 Jun 97, which at the time was the current entry and had not yet been updated. We do not know whether or not the Board ever saw the letter, so our recommendation is to defer to HQ AFPC/DPPPAB.

Case Forwarded To. Application has been forwarded to HQ AFPC/DPPPAB.

Point of Contact. [REDACTED]

Barbara L. Smith
BARBARA L. SMITH, GS-11
Chief, Reports and Queries Team
Directorate of Assignments



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

15 JAN98

MEMORANDUM FOR AFBCMR

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

SUBJECT: [REDACTED]

Requested Action. The applicant requests **his** duty history entry, effective 2 Oct 92, be updated to reflect "Chief, Commodities Section" instead of "1" and that a 23 Jun 97 duty history entry be added to read, "Deputy Commander of Operations, 4407 Reconnaissance Sq." Although not specifically requested, we believe the applicant desires promotion reconsideration by the CY97C (21 Jul 97) lieutenant colonel board (P0597C).

Basis for Request. The applicant contends the "1" on the duty history resulted from a data entry error. In addition, he states the information on the position he was serving in at the time of the board could not be updated due to his deployment, and he was told the update to the personnel data system (PDS) would have to be completed at his "home base" upon his return.

Recommendation. Deny due to lack of merit.

Facts and Comments.

a. The issue regarding the 2 Oct 92 duty history entry is not timely filed; however, the request regarding **the** 23 Jun 97 duty history is timely filed. The contested 2 Oct 92 entry **has** been a matter of record for over five years. The test to be applied is not merely whether the applicant discovered the error within three years, but whether through due diligence, he could or should have discovered the error(s) (see OpJAGAF 1988/56, 28 Sep 88, and the cases cited therein). Clearly, the alleged error(s) upon which he relies have been discoverable since the **duty history** was updated in the PDS. Further, DoD Directive 1320.11 states, "A special selection board shall not...consider any officer who might, by maintaining reasonably careful records, have discovered and taken steps to correct that error or omission on which the original board based its decision against promotion." Therefore, we see no valid reason to waive the statute of limitations on this issue and grant promotion reconsideration on this issue.

b. Application under AFI 36-2401, Correcting Officer and Enlisted Evaluation Reports, would not have been appropriate. However, the applicant submitted an application under AFI 36-2401 to request that his 25 Oct 96 officer performance report (OPR) be corrected

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to show a recommendation for senior service school instead of intermediate service school. The request **was** approved, but the applicant was not granted promotion reconsideration by the P0597C board on this issue. We are including a copy of the appeal for the AFBCMR'S review.

c. The governing directive is AFI 36-2501, Officer Promotions and Selective Continuation, 1 **Mar** 96.

d. The applicant **has** one nonselection by the P0597C board.

e. HQ AFPC/DPAIS 1 provided a technical advisory, dated 16 Dec 97, in which they discuss the duty history corrections made by the applicant's servicing military personnel flight (MPF). They also reviewed the applicant's records and made a minor correction to the 28 Aug 88 duty history entry.

f. **2 Oct 92 Duty History Entry.** The applicant claims that the earliest evidence of the number "1" entered in error on this entry is dated 1 Apr 96. **This** statement lacks validity. We retrieved copies of **his** officer selection briefs (OSBs) (attached) from the CY94A (11 Oct 94) (P0594A) and CY96C (8 Jul 96) (P0596C) lieutenant colonel below-the-promotion zone (BPZ) boards and noted **that** the 2 Oct 92 entry on both OSBs **also** included the "1" under the duty title section. **The** officer preselection brief (OPB) is sent to each eligible officer several months prior to a selection board. **The OPB** contains data that will appear on the OSB at the central 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 it. The instructions specifically state, "*Officers will not be considered by a Special Selection Board if, in exercising reasonable diligence, the officer should have discovered the error or omission in his/her records and could have taken timely corrective action*" (emphasis added). The applicant received OPBs for both of these BPZ boards, yet he took no action to get the information corrected until he was nonselected by the P0597C (in-the-promotionzone) board. Regardless, even though the information on the OSB **was** in error, the applicant's officer selection record contained **an** evaluation report covering that period of time, **and** we believe the promotion board took **this** into consideration when his record **was** considered. Further, he could have addressed this missing information in **a** letter to the board president. We do not support promotion reconsideration **on** this issue.

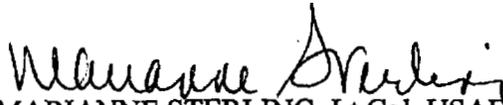
g. **23 Jun 97 Duty History Entry.** While **this** entry was not included on the applicant's P0597C OSB, and he contends his letter to the board president concerning **this** duty title did not arrive in time to be considered, this is not the case. His letter to the **board** president (copy attached to appeal) was received and forwarded for inclusion **in** his officer selection record (OSR) on 18 Jul 97—the Friday before the board convened on Monday, 21 Jul 97. Therefore, this issue is moot since the **board was** aware of this information. Since the board took **this** into consideration during the promotion process, we do not support reconsideration on this issue.

h. While it may be argued that the erroneous duty history entry (2 Oct 92) was **a** factor in the applicant's nonselection, there is no clear evidence that it negatively impacted his

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promotion opportunity. Central boards evaluate the entire OSR (including the promotion recommendation form, officer performance reports, officer effectiveness reports, training reports, letters of evaluation, decorations, and OSB, assessing whole person factors such as job performance, professional qualities, depth and breadth of experience, leadership, and academic and professional military education. We are not convinced either the erroneous entry on the OSB or the wrong level of PME recommendation on the 25 Oct 96 OPR contributed to the applicant's nonselection.

Summary. Based on the evidence provided, we recommend denial due to lack of merit.


MARIANNE STERLING, Lt Col, USAF
Chief, Appeals and SSB Branch
Directorate of Pers Program ~~Mgt~~



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