

JUL 17 1998

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-03489

COUNSEL: None

HEARING DESIRED: No

APPLICANT REQUESTS THAT:

He be granted Special Selection Board (SSB) consideration for the Calendar Year 1997 (CY97C) Lieutenant Colonel Selection Board with the Officer Performance Report (OPR) closing 7 July 1997 included in his Officer Selection Record (OSR).

APPLICANT CONTENDS THAT:

His Duty Air Force Specialty Code (DAFSC) on the Officer Selection Brief (OSB) reviewed by the CY97C board was incorrectly listed as "11F3H" instead of "K11F3H." The OPR in question should also have been included in his military records at the time the selection board convened.

In support of his request, the applicant submitted a copy of the OPR in question and a PC III sheet awarding the AFSC of K11F3H. A letter was also submitted in his behalf from the indorser to the Appeals and SSB Branch, AFPC/DPPPA.

Applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

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

The applicant has one nonselection by the CY97C Lieutenant Colonel Selection Board.

The following is a resume of his OPRs since promotion to major.

<u>PERIOD ENDING</u>	<u>OVERALL EVALUATION</u>
18 Apr 1994	Meets Standard (MS)
18 Apr 1995	MS
# 18 Apr 1996	MS
* 7 Jul 1997	MS

Note: # Top report reviewed by the CY97C board.
* OPR in question

AIR FORCE EVALUATION:

The Chief, Evaluations Procedures Section, AFPC/DPPPEB, reviewed the application and stated that the applicant only had forty (40) days supervision under the new rater. The minimum required amount of time is sixty (60) days. It appears he had a rater change, effective 1 April 1997, and at that time the rater did not have enough supervision to write an OPR. On 8 July 1997, he had a change of reporting official, thus causing an OPR with a closeout date of 7 July 1997 as an annual report versus a 120 day annual closing out 29 July 1997. They also stated that since the applicant was In-the-Zone (IPZ) for promotion, a report at this time was not required for the central selection board (CSB) as it would have been for an Above-the-Zone (APZ) officer. Since the applicant did not provide a step-by-step breakdown of when actual supervision may have begun underneath any of his raters, they cannot determine whether or not the appropriate number of days required for an OPR were actually met. Closing out a report, when it is not warranted, to meet a selection board is not a valid reason, especially since the report was not required. They recommended the request be denied.

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

The Chief, Appeals and SSB Branch, AFPC/DPPPA, reviewed the application and stated that OPRs on active duty officers are due for file at HQ AFPC no later than 60 days after closeout date. Therefore, the OPR would not have been due for file until 7 September 1997. It was not due to be on file prior to the board. The applicant's contention that the "K" prefix was missing and has since been corrected in the personnel data system (PDS) is noted. The action to add the "K" prefix was not initiated until 16 October 1997, well after the board convening date. Based on the evidence provided, they recommended denial of the request.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the evaluations were forwarded to the applicant on 15 March 1998 for review and comment within 30 days. As of this date, no response has been received in 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 reviewing the evidence submitted, a majority of the Board was not persuaded that relief should be granted. 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. Therefore, a majority of the Board agrees with the recommendation of the Air Force and adopt the rationale expressed as the basis for our conclusion that the applicant failed to sustain his burden of establishing the existence of either an error or an injustice warranting favorable action on this request.

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RECOMMENDATION OF THE BOARD:

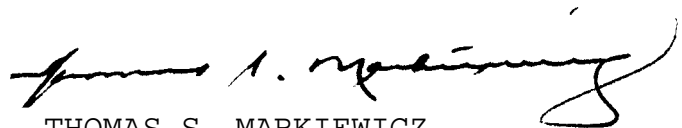
A majority of the panel finds insufficient evidence of error or injustice and recommends the application be denied.

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

Mr. Thomas S. Markiewicz, Panel Chair
Mr. Robert W. Zook, Member
Ms. Olga M. Crerar, Member
Mrs. Kay Byrne, Examiner (without vote)

By a majority vote, the members voted to deny the request. Ms. Crerar voted to correct the record and did not desire to submit a minority report. The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 18 Nov 97 with atchs.
Exhibit B. Applicant's Master Personnel Records.
Exhibit C. Letter, AFPC/DPPPEB, dated 5 Feb 98.
Exhibit D. Letter, AFPC/DPPPA, dated 18 Feb 98.
Exhibit E. Letter, AFBCMR, dated 16 Mar 98.


THOMAS S. MARKIEWICZ
Panel Chair



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

JUL 17 1998

Office of the Assistant Secretary


AFBCMR 97-03489

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, AIR FORCE BOARD
FOR CORRECTION OF MILITARY RECORDS (AFBCMR)

SUBJECT: AFBCMR Application of [REDACTED]

I have carefully reviewed the evidence of record and the recommendation of the Board members. A majority found that applicant had not provided substantial evidence of error or injustice and recommended the case be denied. I concur with that finding and their conclusion that relief is not warranted. Accordingly, I accept their recommendation that the application be denied.

Please advise the applicant accordingly.


JOE G. LINEBERGER
Director
Air Force Review Boards Agency



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

MEMORANDUM FOR SAF/MIBR
AFBCMR

5 FEB 1998

FROM: AFPC/DPPPEB
550 C Street West Ste 07
Randolph AFB TX 78150-4709

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

Requested Action: The applicant is requesting his Officer Performance Report (OPR), dated 7 Jul 97, be included in his military records for a supplemental selection board for the P0597C Central Selection Board (CSB).

Basis of Request: Applicant contends his 7 Jul 97 was not included in his military records for the P0597C CSB.

Facts: The applicant received a "Promote" recommendation on his CY97 Promotion Recommendation and was non-selected for promotion to Lieutenant Colonel.


Discussion: We will only address the technical aspects of this case as they relate to the OPR. Prior to the CSB, the applicant had only 40 days of supervision underneath the new rater. The minimum required amount of time for a report is 60 days. The applicant does not provide enough supporting evidence to ascertain the actual days when supervision should have begun and that the amount of time was sufficient to warrant an OPR.

It appears the member had a rater change, effective 1 Apr 97, and at that time, the rater did not have enough supervision (120 days) to write an OPR. Then, on 8 Jul 97, the applicant had a separate change of reporting official, thus causing an OPR with a close-out date of 7 Jul 97 as an annual report versus a 120 day annual closing out 29 Jul 97.

Since the officer was In-the-Zone for promotion, a report at this time was not required for the CSB as it would have been for an Above-the-Zone officer.

Recommendation: The applicant does not provide a step-by-step breakdown of when actual supervision may have begun underneath any of his raters. Without this information, we cannot determine whether or not the appropriate number of days required for an OPR were actually met. Closing out a report, when it is not warranted, to meet a

CSB *is* not a valid reason, especially **since the report was** not required for the CSB.
Recommend **denial** of the **applicant's** request.

A handwritten signature in black ink, appearing to read 'Lavonne D. Smith', is positioned above the printed name.

LAVONNE D. SMITH, MSgt, USAF
Asst. **Chief**, Evaluations Procedures Section
Directorate of Personnel Program Mgt.



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

FEB 18 1998

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 reconsideration by the CY97C (21 Jul 97) lieutenant colonel board (P0597C).

Basis for Request. The applicant contends ~~his~~ 7 Jul 97 officer performance report (OPR) was not filed ~~in~~ time to be considered by the P0597C board. In addition, he contends a "K" prefix ~~was missing~~ from his duty Air Force specialty code (DAFSC) at the time of the board, and ~~has~~ since ~~been~~ corrected.


Recommendation. Deny.

Facts and Comments.

- a. The application is timely filed, Application under AFI 36-2401, Correcting Officer ~~and~~ Enlisted Evaluation Reports, would not have been appropriate.
- b. The applicant ~~has~~ one nonselection by the P0597C board.
- c. The governing directives are **AFI** 36-2501, Officer Promotions and Selective Continuation, 1 ~~Mar~~ 96, and AFI 36-2402, Officer Evaluation System, 1 Jul 96.
- d. ~~The~~ applicant contends ~~his~~ 7 Jul 97 OPR should have been on file for the P0597C board.
- e. HQ AFPC/DPPPEB provided a technical advisory, dated 5 Feb 98, in which they conclude that since the applicant was in-the-promotion zone (IPZ) for the P0597C board, an OPR was not required for the board. We concur with their assessment and add the following for the AFBCMR's consideration.
- f. **AFI** 36-2402, paragraph 3.6.4.3, states OPRs on active ~~duty~~ officers are due for file ~~at~~ HQ **AFPC** no later than 60 days after the closeout date. Therefore, the OPR would not have been due for file until 7 Sep 97. As such, it ~~was~~ not required to be on file prior to the board.

g. The applicant contends a "K" prefix was missing from his DAFSC at the time of the board and has since been corrected in the personnel data system (PDS). As support, the applicant provided a copy of the Classification/On-the-Job Training Actions. We note the requested ~~action~~ to add the "K" prefix ~~was~~ not even initiated until 16 Oct 97—well after the board convening date—with ~~an~~ effective date of 3 Jul 97. If the AFBCMR decides in favor of the applicant on the above issue, then the officer selection brief (**OSB**) used for the special selection board (**SSB**) can reflect the duty history entry of 3 Jul 97 (includes "K" prefix **DAFSC**). However, we do not support promotion reconsideration on this issue alone.

Summary. Based on the evidence provided, we recommend denial.


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