

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-03641

COUNSEL: None

HEARING DESIRED: No

APPLICANT REQUESTS THAT:

1. He be promoted to the grade of lieutenant colonel as if selected by the Calendar Year 1994 (CY94) Central Lieutenant Colonel Selection Board, or in the alternative;
2. His record, to include a Promotion Recommendation Form (PRF) reflecting a "Definitely- Promote (DP)" recommendation, be considered by a Special Selection Board (SSB) for promotion to the grade of lieutenant colonel for the CY94 Central Lieutenant Colonel Selection Board.

APPLICANT CONTENDS THAT:

The reasons the applicant believes the records to be in error or unjust and the evidence submitted in support of the appeal are at Exhibit A.

STATEMENT OF FACTS:

The relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the letters prepared by the appropriate offices of the Air Force. Accordingly, there is no need to recite these facts in this Record of Proceedings.

AIR FORCE EVALUATION:

The Record, USAF Officer Evaluation Boards, AFPC/DPPPEB, reviewed this application and states that with the addition of new information within the Record of Performance (ROP), the applicant must obtain the concurrent of his previous senior rater as well as the Management Level Evaluation Board (MLEB) president to make any changes to either the content of the PRF or the overall

recommendation. Upon the addition of the new information to the applicant's ROP, a change to the narrative portion of the PRF was approved by both the senior rater and the MLEB president. However, since the applicant has not obtained the concurrence of the MLEB president in regard to his request for an upgrade of the overall recommendation on the PRF, they believe the recommendation should remain as "Promote".

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

The Acting Chief, Appeals and SSB Branch, AFPC/DPPP, reviewed this application and states that they concur with the AFPC/DPPEB advisory opinion. If the Board decides to replace the original PRF with the revised form, they have no objection to the applicant receiving SSB consideration. However, they are strongly opposed to the applicant receiving a direct promotion or to the Board changing the promotion recommendation on the PRF to a "DP" absent the MLEB president concurrence.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A complete copy of the Air Force evaluations were forwarded to the applicant on 9 February 1998, for review and response. 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 a probable error or injustice to warrant that his record, to include the corrected Officer Performance Report (OPR), closing 4 January 1989 and revised PRF reflecting a "Promote" recommendation, be provided SSB consideration for promotion to the grade of lieutenant colonel for the CY94 board. We note subsequent to the CY94 board, the applicant was successful in having an OPR, closing 4 January 1989, placed in his records. In addition, based on the addition of the new information to his ROP, a change to the narrative portion of the PRF prepared for the CY94 board was approved by the senior rater and MLEB president. Since the applicant has obtained the concurrence of the senior rater and MLEB president

in regard to the change in the narrative portion of the PRF, we believe the revised PRF should be placed in his records. AFPC has indicated that if the Board decides to replace the original PRF with the revised PRF, they have no objection to the applicant receiving SSB consideration. In view of this, and based on the addition of the OPR, closing 4 January 1989, after the CY94 board, we believe the applicant's corrected record should be considered by SSB for promotion to the grade of lieutenant colonel for the CY94 board. Therefore, we recommend his records be corrected to the extent indicated below.

4. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice to warrant upgrading the PRF prepared for the CY94 board. The applicant contends he should be awarded a "DP" recommendation on the contested PRF based on his corrected Officer Selection Record (OSR). In support of this contention, the applicant has provided a statement from the senior rater. However, the MLEB president has indicated that while there was a technical error that was appropriately corrected, the substance of that correction does not justify changing the overall PRF rating to a "DP." We note that in accordance with Air Force Instruction 36-2401, changing the overall recommendation to a "DP" requires the concurrence of both the senior rater and MLEB president. Therefore, in the absence of evidence to the contrary, we find no compelling basis to recommend upgrading the PRF.

5. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice to warrant his promotion to the grade of lieutenant colonel by the CY94 board. In this regard, the Board observes that officers compete for promotion under the whole person concept whereby many factors are carefully assessed by selection boards. **An** officer may be qualified for promotion but, in the judgment of a selection board vested with the discretionary authority to make the selections, may not be the best qualified of those available for the limited number of promotion vacancies. Therefore, in the absence of clear-cut evidence that he would have been a selectee, we believe that a duly constituted selection board applying the complete promotion criteria is in the most advantageous position to render this vital determination, and that its prerogative to do so should only be usurped under extraordinary circumstances.

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 Promotion Recommendation Form (PRF), AF Form 709, prepared for the Calendar Year 1994A Central Lieutenant Colonel Board be declared void and removed from his records.

b. The attached PRF reflecting the last sentence in Section IV, Promotion Recommendation, "Absolutely, Positively, Definitely Promote!", be filed in his records.

It is further recommended that his record, to include the corrected PRF, be considered for promotion to the grade of lieutenant colonel by a Special Selection Board for the Calendar Year 1994A Central Lieutenant Colonel Board.

The following members of the Board considered this application in Executive Session on 14 May 1998, under the provisions of AFI 36-2602:

Ms. Charlene M. Bradley, Panel Chair
Mr. Terry A. Yonkers, Member
Dr. Gerald B. Kauvar, 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 6 Dec 97, w/atchs.
Exhibit B. Applicant's Master Personnel Records.
Exhibit C. Letter, AFPC/DPPPEB, dated 23 Dec 97.
Exhibit D. Letter, AFPC/DPPP, dated 23 Jan 98.
Exhibit E. Letter, AFBCMR, dated 9 Feb 98.


CHARLENE M. BRADLEY
Panel Chair



DEPARTMENT OF THE AIR FORCE
WASHINGTON, D. C.

Office of the Assistant Secretary

JUN 12 1998

AFBCMR 97-03641

MEMORANDUM FOR THE CHIEF OF STAFF

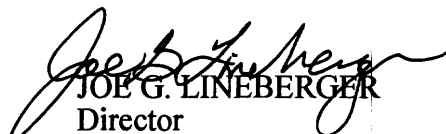
Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

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

a. The Promotion Recommendation Form (PRF), AF Form 709, prepared for the Calendar Year 1994A Central Lieutenant Colonel Board be, and hereby is, declared void and removed from his records.

b. The attached PRF reflecting the last sentence in Section IV, Promotion Recommendation, "Absolutely, Positively, Definitely Promote!", be filed in his records.

It is further directed that his record, to include the corrected PRF, be considered for promotion to the grade of lieutenant colonel by a Special Selection Board for the Calendar Year 1994A Central Lieutenant Colonel Board.


JOE G. LINEBERGER
Director
Air Force Review Boards Agency

Attachment:
AF Form 709