



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

OCT 9 1998

Office of the Assistant Secretary

AFBCMR 97-03787

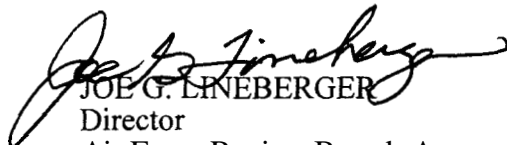
MEMORANDUM FOR THE CHIEF OF STAFF

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 the Promotion Recommendation Form (PRF), AF Form 709, prepared for use by the Calendar Year 1996C Central Lieutenant Colonel Selection Board, which convened on 8 July 1996, be amended as follows:

Section IV, Promotion Recommendation, Line 2 - change "Squadron" to read "Wing"; and, Line 7 - change to read "Our point man on \$25 billion in airlift, special operations and EW programs-identified over 20 programs".

It is further directed that he be considered for promotion to the grade of lieutenant colonel by a Special Selection Board (SSB) for the Calendar Year 1996C Central Lieutenant Colonel Selection Board, which convened on 8 July 1996, with inclusion of the corrected PRF.


JOE G. LINEBERGER
Director
Air Force Review Boards Agency

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-03787

OCT 9 1998

COUNSEL: NONE

HEARING DESIRED: YES

APPLICANT REQUESTS THAT:

His nonselections for promotion to lieutenant colonel (Lt Col) be set aside and he be retroactively promoted to that grade as if selected by the CY96C (P0596C) Central Lieutenant Colonel Selection Board, which convened on 8 July 1996.

If direct promotion is denied, he be reconsidered for promotion to Lt Col by the P0596C Board, with the reaccomplished Promotion Recommendation Form (PRF) provided.

APPLICANT CONTENDS THAT:

He has three factual errors (Section IV, Line 2 - 'Squadron' should be 'Wing', Line 6 - 'EW' missing, and Line 7 - '\$20 Billion' should be '\$25 Billion') on his PRF and the "bottom line" bullet on the PRF misrepresents his senior rater's intended recommendation. His senior rater not only corrected the factual errors, but saw it necessary to modify his remarks slightly in the promotion recommendation section to compensate for both the factual errors and procedural problems encountered when the original PRF was reviewed.

In support of his request, applicant submits a personal statement, statements from the senior rater and his former supervisor, concurrence from the Management Level Board (MLR) president, and the reaccomplished PRF (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 28 May 1980. He is currently serving on active duty in the grade of major, with an effective date and date of rank of 1 June 1992.

Applicant's OPR profile, commencing with the report closing 23 March 1994, follows:

<u>Period Ending</u>	<u>Evaluation</u>
23 Mar 94	Meets Standards (MS)
23 Mar 95	MS
# 1 Feb 96	MS
## 1 Feb 97	MS
1 Feb 98	MS

Top report at the time he was considered and nonselected for promotion to lieutenant colonel by the CY96C Central ,Lieutenant Colonel Board, which convened on 8 July 1996.

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.

A similar appeal by the applicant, under Air Force Instruction (AFI) 36-2401, was considered and denied by the Evaluation Report Appeal Board (ERAB) on 10 September 1997.

On 26 August 1997, the AFBCMR considered and recommended approval of applicant's request for correction of the Aeronautical/Flying Data on his Officer Selection Brief (OSB), prepared for consideration by the CY96C (8 July 1996) Central Lieutenant Colonel Board; and, that he be provided SSB consideration with inclusion of the corrected record. On 5 December 1997, the Deputy for Air Force Review Boards directed the aforementioned corrections and SSB consideration.

AIR FORCE EVALUATION:

The Recorder, Officer Evaluation Boards, HQ AFPC/DPPPEB, provided a technical review of the case. A PRF should mirror an officer's Record of Performance (ROP) and, in the case of the factual errors on the original PRF, DPPPEB supports changing the original PRF; however, the reaccomplished PRF contains several other changes that are not in error. While the applicant claims that "information and advice from subordinate raters are encouraged," DPPPEB stated that AFR 36-10 in no way requires this information for the preparation of a PRF. A senior rater is solely responsible for the information placed into a PRF and no new information has been provided that was not already available in the applicant's ROP. DPPPEB stated that other than the three errors mentioned, replacing statements on a PRF after the fact is not a valid reason for the PRF to be replaced. Retrospective views of wording/impact are not valid reasons to revise an evaluation and provide additional promotion consideration which is not afforded to other officers. DPPPEB recommended that the applicant's PRF be revised to support the changes to the three errors only, with no other changes to the content/wording (Exhibit C).

The Directorate of Personnel Program Management, HQ AFPC/DPPP, stated that absent clear-cut evidence the applicant would have been a selectee by the P0596C board, a duly constituted board, applying the complete promotion criteria, is in the most advantageous position to render this vital determination. Other than his own opinion, the applicant has provided no substantiation for his allegations. DPPP is opposed to direct promotion to the grade of lieutenant colonel. DPPP points out that even though the applicant obtained concurrence from both the senior rater and MLR president to replace the factual errors on the PRF, all the other information was previously available to the applicant's senior rater when he wrote the original PRF prior to the promotion board. Therefore, DPPP does not agree with the additional comments and substitutions made in the other lines of Section IV of the applicant's PRF. If the Board decides to replace the original PRF with a revised version, changing only the factual errors, DPPP has no objection to the applicant receiving SSB consideration, with the inclusion of the revised PRF in the applicant's Officer Selection Record (OSR). However, DPPP is strongly opposed to the applicant receiving a direct promotion or to the Board directing further changes to the P0596C PRF (Exhibit D).

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the advisory opinions and indicated that his senior rater provided a statement indicating the original PRF was in error and subsequently needed to be replaced with a new PRF correcting **all** the errors. The Management Level Review (MLR) Board president agreed with the senior rater and concurred with **all** the PRF changes. He believes that the evidence in his case certainly proves the PRF he originally received was both in error and an unjust portrayal of his performance based potential. One only needs to compare his subsequent PRF (P0597C) to understand the tremendous injustice his original PRF caused. He requests that the Board order the replacement of his original PRF with the reaccomplished PRF, as supported by his former senior rater and MLR president; and, direct promotion to lieutenant colonel as if selected by the CY96 Lieutenant Colonel Board. 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 was timely filed.
3. Sufficient relevant evidence has been presented to demonstrate the existence of probable error. We took notice of the applicant's complete submission in judging the merits of the case, including the senior rater's statement and the concurrence

of the Management Level Review (MLR) president. However, we are in agreement with the opinions and recommendations of the respective Air Force offices that, other than the factual errors, the revised statements contain information which would have been available to the senior rater when the PRF was originally written. Hence, we are unpersuaded by the evidence submitted that the PRF should be substituted. In view of the foregoing, we recommend that only the factual errors on the cited PRF be corrected. As to the issue of direct promotion, we find no basis upon which to recommend favorable action on the applicant's request for direct promotion to the grade of lieutenant colonel. We believe the applicant will receive proper and fitting relief by having the contested PRF corrected as indicated below and that he be provided promotion consideration by a Special Selection Board (SSB).

4. The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issue(s) involved.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that the Promotion Recommendation Form (PRF), AF Form 709, prepared for use by the Calendar Year 1996C Central Lieutenant Colonel Selection Board, which convened on 8 July 1996, be amended as follows:

Section IV, Promotion Recommendation, Line 2, change "Squadron" to read "Wing"; and, Line 7 change to read "Our point man on \$25 billion in airlift, special operations and EW programs-identified over 20 programs".

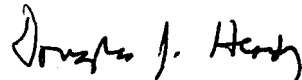
It is further recommended that he be considered for promotion to the grade of lieutenant colonel by a Special Selection Board (SSB) for the Calendar Year 1996C Central Lieutenant Colonel Selection Board, which convened on 8 July 1996, with inclusion of the corrected PRF.

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

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

- Exhibit A. DD Form 149, dated 15 Dec 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, HQ AFPC/DPPPEB, dated 8 Jan 98.
- Exhibit D. Letter, HQ AFPC/DPPP, dated 27 Jan 98, w/atch.
- Exhibit E. Letter, SAF/MIBR, dated 9 Feb 98
- Exhibit F. Letters from applicant, undated, w/atchs, and dated 4 Aug 98.



DOUGLAS J. HEADY
Panel Chair



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

U.S. AIR FORCE



08 JAN 1998

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MEMORANDUM FOR SAF/MIBR
AFBCMR

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

SUBJECT: Application for Correction of Military Records

Requested Action: Applicant is requesting section IV, Promotion Recommendation, for his CY96 Lieutenant Colonel Promotion Recommendation Form (PRF) be re-accomplished.

Basis of Request: Applicant contends section IV contains statements which are inaccurate as supported by his OPRs and Decorations.

Facts: Applicant met the CY96 Lieutenant Colonel Central Selection Board with a "Promote" and was subsequently non-selected.

Discussion: We will **only** address the technical aspects of this case as they pertain to the PRF. Per AFR 36-10 (Aug 88) Chapter 4-9 (a-1), the governing directive for this time frame, clearly states that a senior rater is responsible for preparing a PRF. As stated by the applicant, several errors are indeed documented within the applicant's Record or Performance (ROP). Specifically the following:

- Line 2 - 'Squadron' should be 'Wing'
- Line 6 - 'EW missing
- Line 7 - '\$20 Billion' should be '\$25 Billion'

A PRF should mirror an officer's ROP and in the case of the above errors on the original PRF, we support these changes to the original PRF; however, the re-accomplished PRF contains several other changes that are not in error.

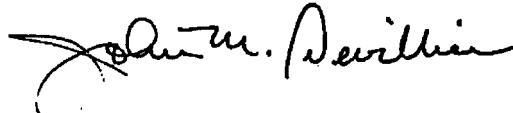
The applicant provides several letters of support stating why the new information has been added to the re-accomplished PRF. In essence, the applicant's claim stems from the fact that his immediate supervisor was brand new and therefore, unaware of the applicant's rated accomplishments and their significance. While the applicant claims that "information and advice from subordinate raters are encouraged," AFR 36-10 (Aug 88) in no way requires this information for the preparation of a PRF. Again, a senior rater is

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solely responsible for the information placed into a PRF and no new information has been provided that was not already available in the applicant's ROP.

Other than the three errors mentioned above, replacing statements on a PRF after the fact is not a valid reason for the PRF to be replaced. Retrospective views of wording/impact are not valid reasons to revise an evaluation and provide additional promotion consideration which is not afforded to other officers. Replacing a valid statement with another valid statement is inappropriate.

Recommendation: A PRF is considered to be an accurate assessment of an officer's performance when rendered. The applicant's **original** PRF was **examined** and found to contain **three** errors which were documented by the applicant's **ROP**; however, the PRF contains several other revisions/re-wording that are not shown to be in error. Recommend applicant's PRF be revised to support the changes **to** the three errors **only** with no other changes **to** the content/wording.



JOHN M. DEVILLIER, Capt, USAF
Recorder, USAF Officer Evaluation Boards
Directorate of Personnel Program **Mgt.**

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

27 JAN 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPP

550 C Street West, Suite 8
Randolph AFB TX 78150-4710

SUBJECT: [REDACTED]

Requested Action. The applicant requests **his** nonselection for promotion to **lieutenant colonel** **be** over-turned and he **be** retroactively promoted to that **grade as** if originally selected by **the CY96C (8 Jul 96) P0596B central** lieutenant colonel selection board. If direct promotion is denied, he requests special selection board (SSB) consideration **with a revised version** of **his** promotion recommendation **form** (PRF).

Basis for Request. Applicant contends he **has** three factual errors **on his PRF and the "bottom line"** bullet on the **PRF** misrepresents **his** senior rater's intended recommendation.

Recommendation. **Deny.**

Facts and Comments:

a. Application is timely. Applicant submitted **an** appeal requesting replacement of the contested PRF under **AFI 36-2401, Correcting Officer and ~~Eligible~~ Evaluation Reports**, which **was** denied by the **Evaluation Report Appeal Board (ERAB)**. A copy of the letter announcing **the ERAB's** decision, dated **10 Sep 97** [REDACTED] Applicant **has two** nonselections to the **grade** of lieutenant colonel by the **P0596C and CY97C (21 Jul 97) (P0597C)** central lieutenant colonel selection boards.

b. **AFR 36-10, The Officer Evaluation System, 1 Aug 88**, is the governing directive,

c. In support **of his** appeal, the applicant **submits a copy of** the **P0596C PRF**; a personal brief; **a** reaccomplished copy of the **P0596C PRF**; memorandums **from the** senior rater and someone from outside the **rating** chain; and **a** memorandum from the applicant to the president of the Management **Level Review (MLR)** board.



d. We contend that insufficient relevant evidence **has** been presented to demonstrate **the** existence of probable error **or** injustice, in regard to **the** applicant's **request** for direct promotion to **the** grade of lieutenant colonel. **An officer may be** qualified for promotion, **but**, in the judgment of **a** selection board--vested with discretionary **authority** to make the

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selections--he may not be the best qualified of those available for the **limited** number of promotion vacancies. Absent clear-cut evidence the applicant would have been a selectee by the P0596C board, we believe a duly constituted board, applying the complete promotion criteria, is in the most advantageous position to render **this** vital determination. **The** board's prerogative to do **so** should not be **usurped** except under extraordinary circumstances. Further, to **grant a** direct promotion would be **unfair** to all other officers who have extremely competitive records **and also** did not get promoted. Other **than his own** opinion, the applicant has provided no substantiation to his allegations. The burden of proof is on him. We are strongly opposed to direct promotion.

e. We **concur** with the **advisory** written by HQ AFPC/DPPPEB. We would not be opposed **to** the board directing correction of the three "factual" errors identified by the applicant in lines **two**, six and seven of Section **IV**, Promotion Recommendation, on the applicant's PRF. **We** would like to point out **that** even though the applicant obtained concurrence from both the senior rater and MLR president to replace the **factual** errors on the PRF, all the other information was previously available to the applicant's **senior** rater when he wrote **the original PRF** prior to the promotion board. We, therefore, do not **agree** with the additional comments and substitutions made in the other lines of Section IV of the applicant's PRF.

Summary. If the board decides **to** replace the original PRF with a revised version, changing **only** the factual errors, we have no objection to the applicant receiving SSB consideration **with** the inclusion of the revised PRF in the applicant's **OSR**. However, **we** are strongly opposed **to** the applicant receiving a direct promotion or **to** the board **directing** further changes to the P0596C PRF.



MARIANNE STERLING, Lt Col, USAF
Chief, Appeals & SSB Branch
Dir of Personnel Program Mgt

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