

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-00134

COUNSEL: NONE

FEB 5 1999

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

He be reconsidered for in-residence Intermediate Service School (ISS)/Air Command and Staff College (ACSC).

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APPLICANT CONTENDS THAT:

A Defense Meritorious Service Medal (DMSM), an Air Force Commendation Medal Second Oak Leaf Cluster (AFCM 2OLC) and an Armed Forces Expeditionary Medal (AFEM) were not reflected in his records prior to the Air Command and Staff College Selection Board. Applicant believes this impacted his non-selection for ISS/ACSC.

In support of his request, applicant submits certificates, citations and orders for the DMSM and AFCM 2OLC; a copy of the AFEM citation and copies of extractions from the Personnel Data System (PDS); and, copies of congratulatory letters.

Applicant's submission is attached at Exhibit A.

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STATEMENT OF FACTS:

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

Available documentation reflects that at the time of applicant's selection for promotion to the grade of major, in August 1995, he was also a candidate for Intermediate Service School (ISS). Applicant was considered for in-residence ISS by the Academic Year (AY) 1998 (10 November 1997) ISS Designation Board but not selected.

A Board Discrepancy Report for Board E9998A (ISS Designation Board), dated 6 November 1997, reflects that the award/decoration for the Defense Meritorious Service Medal Basic, was not entered into the Personnel Data System (PDS). However, the citation for the award was filed in the applicant's Officer Selection Folder.

Applicant's Officer Performance Report (OPR) profile is as follows:

<u>PERIOD ENDING</u>	<u>OVERALL PERFORMANCE</u>
28 Mar 93	Meets Standards
28 Mar 94	Meets Standards
# 28 Mar 95	Meets Standards
6 Oct 95	Meets Standards
15 Apr 96	Meets Standards
15 Apr 97	Meets Standards
19 Feb 98	Meets Standards

# Top report at time of nonselection for ISS by the AY98 ISS Designation Board

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AIR FORCE EVALUATION:

The Chief, Appeals and SSB Branch, HQ AFPC/DPPPA, states that the DMSM citation was on file for the ISS Designation Board; however, it was not present on the Officer Selection Brief (OSB). Further, each eligible officer received notification after his selection to major that he would be considered as a candidate for ISS. Had the applicant reviewed his promotion records prior to the ISS board rather than after it, the DMSM could and would have been reflected on the Professional Military Education (PME) selection brief. They do not believe the applicant showed proper diligence to ensure his records were accurate prior to the ISS board held in November.

The decoration close out date for the AFCM (20LC) is 8 July 1997 and the Special Order was published on 19 December 1997. As such, the special order and citation were processed within the guidelines of the governing directive and neither were due for file until 17 February 1997 (sic). Not only was the AFCM citation not required to be on file for the board, it could not have been since the special order awarding the decoration had not been published when the board convened.

By regulation, an AFEM is not required to be filed in the Officer Selection Record (OSR), nor is it required to be reflected on the PME selection brief. Therefore, the applicant's contention on this issue is unfounded.

While it may be argued that the contested decorations were a factor in the applicant's nonselection for ISS, there is no clear evidence that they negatively impacted his opportunity to attend PME. ISS boards evaluate the entire officer selection record. The ISS selection board had the applicant's entire officer selection record that clearly outlined his accomplishments since

the date he came on active duty. They recommend the applicant's request be denied.

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

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 16 February 1998 for review and response within 30 days. As of this date, no response has been received by this office.

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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 a thorough review of the evidence of record and applicant's submission, we are not persuaded that he should be reconsidered for in-residence Intermediate Service School (ISS)/Air Command and Staff College (ACSC). 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. Although we cannot determine why the applicant was not selected by the Academic Year 1998 ISS Designation Board, we are compelled to conclude that the missing DMSM from the Professional Military Education (PME) brief was a harmless error. The applicant also contends that the AFCM 20LC was not reflected in his record prior to the ISS Board. However, the award is not official until the order is published and the order for the AFCM 20LC was published after the ISS Board convened. We also note that the AFEM is not required to be reflected on the PME selection brief. Therefore, we agree with the recommendations of the Air Force and adopt the rationale expressed as the basis for our decision that the applicant has failed to sustain his burden that he has suffered either an error or an injustice. Therefore, we find no compelling basis to recommend granting the relief sought.

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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.

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The following members of the Board considered this application in Executive Session on 5 November 1998, under the provisions of AFI 36-2603.

Mr. David C. Van Gasbeck, Panel Chair  
Mr. Edward H. Parker, Member  
Ms. Patricia A. Vestal, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 12 Jan 98, w/atchs.
- Exhibit B. Applicant's Officer Selection Record.
- Exhibit C. Letter, HQ AFPC/DPPPA, dated 5 Feb 98.
- Exhibit D. Letter, AFBCMR, dated 16 Feb 98.

  
DAVID C. VAN GASBECK  
Panel Chair