

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-00369

COUNSEL: None

HEARING DESIRED: No

DEC 11 1998

APPLICANT REQUESTS THAT:

The Enlisted Performance Report (EPR) rendered for the period 16 Feb 95 through 16 Aug 95 be declared void and removed from his records.

APPLICANT CONTENDS THAT:

The comments the rater used in the contested report are not consistent with the legal review findings of the Report of Inquiry (ROI), feedback sessions, and his past duty performance.

In support of his appeal, the applicant provided a personal brief, a copy of the Legal Review of the ROI, a copy of his rebuttal to the referral EPR, a summary of his DD Form 149 appeal, and a copy of the contested referral EPR with the notification memorandum.

Applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

The applicant's Total Active Federal Military Service Date (TAFMSD) is 29 Sep 78. He is currently serving in the Regular Air Force in the grade of technical sergeant, effective, and with a date of rank (DOR) of 1 Sep 92.

Applicant's Airman Performance Report (APR) and EPR profile since 1985 follows:

<u>PERIOD ENDING</u>	<u>OVERALL EVALUATION</u>
31 Oct 85	9
31 Oct 86	9
30 Mar 87	9
5 Oct 87	9
5 Oct 88	9
5 Oct 89	9
4 Mar 90	5 (New rating system)
4 Mar 91	5
29 Nov 91	5
29 Nov 92	5
1 Sep 93	5
15 Sep 94	5
15 Sep 95	5
* 16 Aug 95	2 (Referral Rpt)
15 Apr 96	5
15 Dec 96	5
15 Dec 97	5

* Contested report.

Applicant filed a similar appeal under AFI 36-2401, Correcting Officer and Enlisted Evaluation Reports, which was denied by the Evaluation Report Appeal Board on 22 Jul 97.

The applicant has a projected retirement date of 1 Oct 98 based on high year of tenure (HYT).

AIR FORCE EVALUATION:

The Chief, Inquiries/AFBCMR Section, AFPC/DPPPWB, reviewed this application and indicated that the contested report would normally have been eligible for promotion consideration for the 96E7 cycle to master sergeant (promotions effective Aug 96 - Jul 97). However, because it was a referral report, it automatically rendered him ineligible for promotion consideration for this cycle in accordance with Headquarters AFMPC/DPMA Jun 95 message (Implementation of changes to the Enlisted Evaluation System). In addition, the record reflects that the applicant was relieved from recruiting duty in Aug 95 for reasons within his control. The contested report was as a result of this relief action. An individual who has lost his/her Air Force specialty code (AFSC) or Special Duty Identifier (SDI) in the case of a Recruiter, for reasons within their control, are ineligible for promotion and remain ineligible until such time as they are awarded a Primary AFSC commensurate with their grade (Reference AFI 36-2502, Table 1.1, Rule V. Promotion Eligibility Status (PES) Code "Q" identifies this ineligible condition). Promotion history records indicate the PES Code "Q" was updated effective Nov 95 to reflect his ineligibility for promotion. Consequently, he was ineligible

for promotion consideration for the 96E7 cycle based on both the referral EPR and the PES Code "Q."

Concerning the next promotion cycle, 97E7 (promotions effective Aug 97 - Jul 98), the applicant was erroneously considered and not selected. He had received another EPR closing 15 Apr 96 which was rated a "5" rating. Consequently, the EPR was not an ineligibility factor for the 97E7 cycle as it had been for the previous cycle. However, in Apr 96, the PES Code was erroneously updated from "Q" (ineligible) to "X" (eligible). It was erroneous because he, at that time, only possessed a "1" skill level (he now has a 3-skill level PAFSC). A 7-skill level PAFSC is required for promotion consideration to the grade of master sergeant. As a result of this erroneous update, he was considered for promotion to master sergeant and not selected. His total score for the 97E7 cycle was 291.03 and the score required for selection was 346.22.

DPPPWB further indicates that, because of the erroneous update of the PES Code in Apr 96 to reflect that the applicant was eligible, he tested for promotion for the next cycle, 98E7, on 27 Jan 98. Selections for the 98E7 cycle will be done in May 98 and are effective Aug 98 - Jul 99. He was administered the Promotion Fitness Examination (PFE) only (Specialty Knowledge Test (SKT) exempt) because he is retraining into the Readiness career field (AFSC 3E9X1). After a review of the circumstances of the applicant's case, it has been determined that he is ineligible for promotion to master sergeant based on the loss of his recruiting SDI for reasons within his control and the fact that he does not possess a 7-skill level PAFSC in his new AFSC required for consideration. His promotion file has been updated to reflect that he is not eligible for consideration for the next cycle, 98E7. While it is regrettable that an erroneous update of the PES Code from "Q" to "X" in Apr 96 caused him to be erroneously considered for the 97E7 cycle and to test for the 98E7 cycle on 27 Jan 98, the fact remains that he was and is ineligible for promotion consideration to master sergeant based on the circumstances described above. Voiding the report in question would not entitle the applicant to supplemental promotion consideration for any previous cycles.

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

The Chief, BCMR & SSB Section, AFPC/DPPPAB, also reviewed this application and indicated that Air Force policy is that an evaluation report is accurate as written when it becomes a matter of record and to effectively challenge an EPR, it is necessary to hear from all the members of the rating chain-not only for support, but for clarification/explanation. The applicant failed to provide any information/support from the rating chain on the report in question. In the absence of information from evaluators, official substantiation of error or injustice from the Inspector General (IG) or Social Actions is appropriate, but

not provided in this case. Therefore, DPPPAB believes the report to be an accurate assessment of the applicant's duty performance during the period in question. While the applicant is attempting to relate the ratings on the EPR to the markings on the performance feedback worksheet (PFW), although he did not provide the PFW, it is a moot point because it is an inappropriate comparison and is inconsistent with the Enlisted Evaluation System (EES). The PFW relates only to duty performance and not an absolute indicator of potential for serving in a higher grade. The purpose of the feedback session is to give the ratee direction and to define performance expectations for the rating period in question. Feedback also provides the ratee the opportunity to improve performance, if necessary, before the EPR is written. The rater who prepares the PFW may use the PFW as an aid in preparing the EPR and, if applicable, subsequent feedback sessions. The PFW acts as a scale on where the ratee stands in relating to the duty performance expectations of the rater. A PFW with all items marked "needs little or no improvement" means the ratee is meeting the rater's standards. It does not guarantee a firewalled EPR. Also, a ratee who performs current duties in an exceptional manner could demonstrate only limited potential for the next higher grade. Or, a ratee who still needs to improve in the performance of current duties could demonstrate great potential for the next higher grade. There is not a direct correlation between the markings on the PFW and the ratings on an EPR. Furthermore, every exceptional performer does not possess outstanding promotion potential and evaluators need to make that clear on the EPRs they write.

DPPPAB agrees that the contested EPR is inconsistent with applicant's previous performance; however, it is not feasible to compare one report covering a certain period of time with another report covering a different period of time which does not allow for changes in the ratee's performance and does not follow the intent of the governing regulation, AFI 36-2403. The EPR was designed to provide a rating for a specific period of time based on the performance noted during that period, not based on previous performance.

DPPPAB points out that the contested referral EPR, rendered to the applicant as a result of substantiated unethical behavior, inadvertently caused those under his direction to "follow suit" and falsify official government records. They agree with DPPPWB that even if the Board directs removal of the referral report, the applicant would not become eligible for promotion consideration. He was removed from the recruiting career field for reasons within his control and subsequently retrained. He was expected to maintain standards of conduct and responsibility at least as stringent as the rest of the noncommissioned officer (NCO) corps. He used poor judgment and made false official statements, a point not in contention, and this impropriety was appropriately reflected in the report in question. To remove the contested report from applicant's record would be unfair to all the other NCOs who exercised integrity and honesty and

effectively performed their duties. DPPPAB concludes that removal of the contested report would make the applicant's record inaccurate and they recommend denial.

A complete copy of their evaluation, with attachments, is attached at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to applicant on 20 Apr 98 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. 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 the contested report should be declared void and removed from his records. 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. After reviewing the ROI, we note that while no evidence of forgery or perjury was found, the Assistant Staff Judge Advocate (SJA) recommended the investigating officer's (IO's) recommendation regarding military justice actions be disregarded and adopted the IO's recommendation regarding an LOR based on the fact that the applicant engaged in a pattern of conduct designed to artificially improve the statistics of his flight. The IO found that the applicant violated the procedural rules of the recruiting service in so doing and recommended the applicant be relieved of his duties as Flight Supervisor and retrained into a different career field in which the Assistant Staff Judge Advocate (SJA) concurred. We believe that the applicant used poor judgment and unethical behavior as an Air Force recruiter and this impropriety was appropriately reflected on the contested report. In view of the foregoing, 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.

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 17 September 1998, under the provisions of Air Force Instruction 36-2603:

Ms. Martha Maust, Panel Chair
Ms. Ann L. Heidig, Member
Mr. Loren S. Perlstein, Member
Mrs. Joyce Earley, Examiner (without vote)

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 5 Feb 98, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPPWB, dated 25 Mar 98, w/atchs.
- Exhibit D. Letter, AFPC/DPPPAB, dated 9 Apr 98, w/atchs.
- Exhibit E. Letter, AFBCMR, dated 20 Apr 98.


MARTHA MAUST
Panel Chair



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

25 MAR 1998

MEMORANDUM FOR AFPC/DPPPAB
AFBCMR
IN TURN

FROM: HQ AFPC/DPPPWB
550 C Street West, Ste 09
Randolph AFB TX 78150-4711

SITE Application for Correction of y Records - [REDACTED]

Requested Action. The applicant is requesting the AFBCMR void his Enlisted Performance Report (EPR) closing 16 Aug 95. We will address the supplemental promotion consideration issue should the request be approved.

Reason for Request. The applicant states the comments used are not consistent with legal review findings (report of inquiry) and ratings are not consistent with feedback sessions and past duty performance.

Facts. See Hq AFPC/DPPPAB Memorandum. The applicant has a projected retirement date of 1 Oct 98 based on High Year Tenure (HYT). A member serving in the grade of TSgt can serve 20 years active service.

Discussion.

a. The contested EPR would normally have been eligible for promotion consideration for the 96E7 cycle to MSgt (promotions effective Aug 96 - Jul 97). However, because it was referral, it automatically rendered him ineligible for promotion consideration for this cycle in accordance with Hq AFMPC/DPMA 0916022 Jun 95 Msg (Implementation of changes to the Enlisted Evaluation System). In addition, the record reflects he was relieved from recruiting duty in Aug 95 for reasons within his control. The contested EPR was as a result of this relief action. An individual who has lost his/her Air Force Specialty Code (AFSC) or Special Duty Identifier (SDI) in the case of a Recruiter, for reasons within their control, are ineligible for promotion and remain ineligible until such time as they are awarded a Primary AFSC commensurate with their grade (Reference AFI 36-2502, Table I.1, Rule V. Promotion Eligibility Status (PES) Code "Q" identifies this ineligible condition. Promotion history records indicate the PES Code "Q" was updated effective Nov 95 to reflect his ineligibility for promotion. Consequently, he was ineligible for promotion consideration for the 96E7 cycle based on both the referral EPR and the PES Code "Q".

b. Concerning the next promotion cycle, 97E7 (promotions effective Aug 97 - Jul 98)-the applicant was erroneously considered and not selected. He had received another **EPR** closing 15 Apr 96 which was rated a "5". Consequently, the **EPR** was not **an** ineligibility factor for the 97E7 cycle as it had been for the previous cycle. However, **in Apr 96**, the **PES Code** was erroneously updated from "Q" (ineligible) to "X" (eligible). It was erroneous because he, at that time, only possessed a "1" Skill Level (he now has a 3-Skill Level PAFSC). A 7-Skill Level PAFSC is required for promotion consideration to MSgt. As a result of this erroneous update, he was considered for promotion to MSgt and not selected. His total score for **the** 97E7 cycle was 291.03 and the score required for selection was 346.22.

c. Because of the erroneous update **of the PES Code** in Apr 96 to reflect that he was eligible, he tested for promotion for the next cycle, 98E7, on 27 Jan 98. Selections for the 98E7 cycle will be done in May 98 and are effective Aug 98 - Jul 99. He was administered the Promotion Fitness Examination (PFE) only (Specialty Knowledge Test (SKT) exempt) because he is retraining into the Readiness career field (AFSC 3E9X1). After a review of the circumstances of the applicant's case it has been determined he is ineligible for promotion to MSgt based on the loss of his recruiting SDI for reasons within **his** control and the fact that he does not possess a 7 -Skill Level PAFSC in his new **AFSC** required for consideration . His promotion file has been updated to reflect that he is not eligible for consideration for the next cycle, 98E7. While it is regrettable that **an** erroneous update of the PES Code from " Q to " X in Apr 96 caused him to be erroneously considered for the 97E7 cycle and to test for the 98E7 cycle on 27 Jan **98**, the fact remains that he was and is ineligible for promotion consideration to MSgt based on the circumstances described above. Voiding the **EPR** closing **16** Aug 95 would not entitle the applicant to supplemental promotion consideration **for** any previous cycles.

Recommendation. We defer to the recommendation of **Hq** AFPC/DPPAB.


TONY R. MERRITT
Chief, Inquiries/AFBCMR Section
Enlisted Promotion Branch

Attachments

1. Extract cy **Hq** AFMPC/DPMA
0916022 **Jun** 95 Msg
2. Extract cy AFI 36-2502

UNCLASSIFIED

01 11 0916022 JUN 95 RR RR UUUU .

DPMAE

NO

HQ AFMPC RANDOLPH AFB TX//DPMA//

AIG 8106//CC/DPM/DPMQ/DPMP/CCC//

AIG 10607//MSM//

ALPERSCOM//DP/MP/IG/CCC//

AIG 9326

INFO HQ USAF WASHINGTON DC//DPXEP//

XMT HQ AFMPC RANDOLPH AFB TX

UNCLAS

A//225/95 B/197/95

PLEASE ENSURE WIDEST POSSIBLE DISSEMINATION

SUBJ: IMPLEMENTATION OF CHANGES TO THE ENLISTED EVALUATION SYSTEM
(EES)

REF: CSAF MSG 0816262 MAY 95 AND HQ USAF/DP MSG 2317002 MAY 95

1. THIS MESSAGE IMPLEMENTS CHANGES TO THE ENLISTED EVALUATION **SYSTEM**.
SOME OF **THE** CHANGES BEING IMPLEMENTED WILL TAKE EFFECT IMMEDIATELY,
OTHERS WILL REQUIRE **ADDITIONAL** TIME TO **PHASE** IN BECAUSE OF PROCEDURAL
GUIDANCE, REVISION OF EES **FORMS**, AND ADDITIONAL STAFFING.

2. FEEDBACK - EFFECTIVE IMMEDIATELY

A) RATERS FOR TSGT AND BELOW ARE REQUIRED TO DOCUMENT THE
INITIAL/MIDTERM PERFORMANCE FEEDBACK SESSION DATE IN SECTION V

CMSGT LEE
DPMAJEP, 7-2571

SIGNED

COL LERUM, DPMA, 7-6314
CRC: 22520

UNCLASSIFIED

091602ZJUN95

9800369

ATCH 1

UNCLASSIFIED

07 11 0916022 JUN 95 RR RR UUUU .

DPMAE

NO

CANCELLATION OF PROJECTED PROMOTION, IF ALREADY SELECTED (WAPS)/FULLY QUALIFIED (AMN-SRA). ALSO, PROMOTION REINSTATEMENT IS NOT AUTHORIZED EXCEPT AS OUTLINED IN AFI 36-2502, **PARA 3.6**. **THE** FOLLOWING CHANGES WILL BE IMPLEMENTED AS INDICATED BELOW:

4-A-1) INDIVIDUALS IN PHASE I OF THE WGT MANAGEMENT PROGRAM (WSC **2**): EFFECTIVE 1 AUG **95** INDIVIDUALS IN WSC "2" (UNSAT PROGRESS, PHASE I) **WILL** BE INELIGIBLE FOR PROMOTION. MPFS MUST IMMEDIATELY IDENTIFY INDIVIDUALS CURRENTLY IN WSC "2" AND INFORM COMMANDERS TO NOTIFY THEM (AND FUTURE WSC "2" ENTRIES) THEY ARE INELIGIBLE FOR PROMOTION IF THEY ARE IN WSC "2" ON OR AFTER 1 AUG 95. FOR INDIVIDUALS IN WSC "1", "5" AND "6", CONTINUE USING PES CODE "I" SINCE CURRENT PROMOTION ELIGIBILITY FOR THESE CODES REMAIN UNCHANGED (AFI 36-2502, TBL 1.2). THIS CHANGE REQUIRES IMPLEMENTATION OF A NEW PES CODE, WHICH WILL BE AVAILABLE IN THE NOV 95 SYSTEM RELEASE. UNTIL THEN MPFS MUST IDENTIFY INDIVIDUALS IN WSC "2" ON OR AFTER 1 AUG **95** AND CHANGE PES FROM CODE "I" TO CODE "N". PLEASE CONTINUE USING PES CODE "N" ON ANY **FUTURE** WSC "2"**S**. USING PES CODE "N" IS A TEMPORARY MEASURE AND REQUIRES CLOSE MONITORING TO ENSURE THERE ARE NOT ERRONEOUS PROMOTION SELECTIONS.

4-A-2) REFERRAL OR "2" EPRS ON TOP: INDIVIDUALS WITH A REFERRAL (ACCORDING TO AFI 36-2403, **ATCH 1**) OR "2" **EPR** ON TOP CLOSING OUT

CMSGT LEE
DPMAJEP, 7-2571

COL LERUM, DPMA, 7-6314
CRC: 15970

UNCLASSIFIED

091602ZJUN95

9800369

UNCLASSIFIED

08 11 0916022 JUN 95 RR RR UUUU .

DPMAE

NO

AFTER THE DATE OF THIS MESSAGE WILL BE INELIGIBLE FOR PROMOTION BECAUSE THERE'S INSUFFICIENT TIME FOR THEM TO RECEIVE ANOTHER EPR PRIOR TO THE 1 **AUG 95** IMPLEMENTATION DATE. FOR INDIVIDUALS WITH SUFFICIENT SUPERVISION (60 DAYS), IF CONSIDERED APPROPRIATE, COMMANDER CAN DIRECT AN EPR TO C/O NLT **31 JUL 95** OR EARLIER, TO REGAIN PROMOTION ELIGIBILITY PRIOR TO 1 AUG 95 IMPLEMENTATION. EFFECTIVE 1 AUG **95** INDIVIDUALS WITH A REFERRAL OR **"2" EPR ON TOP** WILL BE INELIGIBLE FOR PROMOTION. AFTER 31 JUL 95, SRA THROUGH SMSGT WILL REGAIN THEIR ELIGIBILITY ONLY AFTER RECEIVING A REPORT WITH A RATING OF **"3"** OR HIGHER THAT IS NOT A REFERRAL AND CLOSES OUT ON OR BEFORE THE NEXT PECD, IF OTHERWISE ELIGIBLE. AB THRU A1C MEETING TIG/TIS PROMOTION REQUIREMENTS AS OF 1 AUG **95** OR LATER CANNOT BE PROMOTED EARLIER THAN THE CLOSE OUT DATE OF AN EPR WITH A RATING OF **"3"** OR HIGHER THAT IS NOT A REFERRAL, IF OTHERWISE ELIGIBLE AND APPROVED BY COMMANDER. MPFS MUST IDENTIFY INDIVIDUALS WITH A REFERRAL (AAC 19 MAY BE HELPFUL) OR **"2" EPR ON TOP AS OF 1 AUG 95** AND USE PES CODE "N" TO MONITOR THEIR PROMOTION STATUS UNTIL A NEW PES CODE IS AVAILABLE WITH THE NOV 95 SYSTEM RELEASE. ENSURE **EVERY** EFFORT IS MADE TO NOTIFY INDIVIDUALS WITH A REFERRAL AND/OR **"2" EPR ON TOP AS OF 1 AUG 95** OR LATER OF THEIR PROMOTION STATUS. SINCE THIS CHANGE AFFECTS SEVERAL

CMSGT LEE
DPMAJEP, 7-2571

COL LERUM, DPMA, 7-6314
CRC: 15970

UNCLASSIFIED .

0916022JUN95

9800369

1.12 Correcting Promotion Effective Dates and Enlistment Grades. HQ AFMPC/DPMAJW corrects the promotion effective dates as a result of promotion withhold actions and supplemental promotion selections upon notification from the MPF. Include name, SSN, cycle and grade promoted to, new ~~SSN~~ and promotion sequence number, date of data verification completion,

date commander approved promotion, promotion order (include date, number and issuing headquarters) and reason for promotion withholding, if applicable. **EXCEPTION:** This does not apply to those in the weight management program (WMP) or substance abuse program participants. Approved enlistment grade corrections are updated by HQ AFMPC/DPMAJW.

Table 1.1. Determining Ineligibility For Promotion (See note 1).

If on or after the promotion eligibility cutoff date, and the airman is		1	2	3	4
A	serving in grade of MSgt or SMSgt	Yes			
B	serving in grade SrA through TSgt		Yes		
C	to be promoted to grade Amn through SrA			Yes	
D	to be promoted to grade SSgt through MSgt under STEP				Yes
then the airman is ineligible for promotion during a particular cycle when he or she					
E	has a mandatory date of separation (DOS), high year tenure (HYT), has 30 or more YOS, or an approved retirement before the first day of the month promotions are incremented in that cycle (See note 2)	X	X		
F	is a career airman who declines to extend or reenlist to obtain service retainability for a controlled duty assign, PCS, TDY and retraining; declines retraining as outlined in AFI 36-2204; or is an airman with an approved voluntary retirement (instead of assignment). PES code C (See note 2)	X	X	X	X
G	has been convicted by court-martial (CM), or is undergoing punishment/suspended punishment imposed by CM. (Includes completed punishment and cases where sentence does not include punishment. PES code F (See note 2)	X	X	X	X
H	is on the control roster (AFI 36-2907). PES code G (See note 2)	X	X	X	X
I	is serving a probationary period under AFI 36-3208. PES code K (See note 2)	X	X	X	X
J	is unfit to perform the duties of the grade due to physical disability as decided by the SAF. PES code L (See note 3)	X	X	X	X
K	declines promotion consideration/testing and has an AF Form 1566, WAPS Test Verification, on file to that effect. PES code M.	X	X		X
L	is not recommended for promotion consideration, or the promotion authority removes the individual from a select list. PES code N. (See note 4 and para 3.2)	X	X	X	X
M	fails to appear for scheduled testing (no-show) without a valid reason as decided by immediate commander PES code P. (See para 2.3.4)	X	X		X
N	is absent without leave (AWOL)/in deserter status. PES code U. (See note 2)	X	X	X	X
O	(excluding minor traffic violations) has been convicted by a civilian court or undergoing punishment, suspended punishment/sentence, probation, work release program, or any combination of these or similar court-ordered conditions. Include period of time the airman is on probation after serving part of a sentence or has had the sentence withheld for a period of time. The ineligibility period will equal the maximum confinement for the same or most closely related offense under the manual for CM. PES code W. (See notes 2 and 5)	X	X	X	X
P	applies for voluntary retirement after promotion selection notification, and as a result of approved retirement, doesn't have sufficient retainability to meet the required ADSC. Grade-status-reasons 3C. No change in PES code.	X			X
Q	has an approved application for separation as a conscientious objector, or is being involuntarily separated under AFI 36-3208. PES code V. (See note 2)	X	X	X	X
R	is on the select list and declines promotion, or is a MSgt, SMSgt, or CMSgt selectee and fails to acquire service retainability for promotion. Grade-status-reason is 3D. No change in PES code.	X	X		X
S	is denied or not selected for reenlistment. PES code L (See note 2) (See M&MD)	X	X	X	X

(Table continued on next page)

T	is pending administrative demotion action under AFI 36-2503 . PES code H . (See note 2)	1	X	X	X	X
U	is identified as a substantiated substance abuser for other than alcohol and doesn't successfully complete rehabilitation under the USAF SART Program . PES code T . (See note 2)	X	X	X	X	X
V	is disqualified from a previously awarded AFS for cause (RI9A200 or 9A100). PES code Q . (See note 6)	X	X	X	X	X
W	is undergoing a suspended reduction imposed by UCMJ Article 15, PES code A . (See note 2)	X	X	X	X	X
X	fails SART 3 or 4 (including self-ID or entered into SART 5). PES code O . (See note 2)	X	X	X	X	X

NOTES:

- For ineligibility of airmen entering commissioning programs, see paragraph 3.1.
- TSgt, MSgt, and SMSgt with a retirement (based on HYT) date effective the first day of the month the promotion incrementing starts remain eligible for promotion. An airman's HYT extended for medical hold remain ineligible for promotion consideration. Airmen will not receive supplemental promotion consideration for any cycle they are ineligible under this rule. You can promote airmen in grades AB through A1C exceeding TIG/TIS requirements the day after the ineligibility condition no longer exists. PES code will change to "X" effective the date AFMPC approves withdrawal of a PCS declination statement.
- Promote airmen who remain on active duty in a limited assignment status (LAS), or who remain on active duty and later found fit after formal proceedings. Do this on the promotion effective date the PSN is announced. If returned to active duty from TDRL, the DOR is the original date of promotion. The effective date is date returned to active duty.
- Nonrecommend airmen in the grade of AB through A1C in monthly increments from the original effective date outlined in AFMAN 36-2125 (formerly AFM 30-130, volume 1). BTZ selectees removed from the selection list remain ineligible until they meet the fully qualified promotion requirements.
- You may waive the promotion ineligibility or any portion of the ineligible period. You may not waive the promotion ineligibility for airmen convicted and sentenced to confinement. The waiver authority rests with the wing commander.
- Individuals placed in RI9A200 (unclassified airman pending discharge) and RI9A100 (airman awaiting retraining, disqualified for reasons within control) remain ineligible for promotion. Place them in PES code "Q", effective the date of disqualification. Do this until awarding the airman a PAFSC at a skill level commensurate with current grade. **NOTE:** PES code "Q" does not apply to airmen serving in grades AB and Amn.

I T E M	Withhold an airman's promotion when his or her name is removed from a select or eligibility list and the airman is
1	awaiting a decision on an application as a conscientious objector (AFI 36-3204 [formerly AFR 35-24]). PES codes
2	placed into the SART Program for alcohol abuse. PES code E. (See notes 1 & 2)
3	in the weight management program (WMP), Phase I (codes 1, 2, 5 or 6). PES code I. (See notes 1 & 3)
4	under court-martial or civil charges. PES code D. (See note 4)
5	pending data verification and the record is not available. GSR code 2D, 2M or 2P.
6	missing source document, and the MPF cannot verify one or more promotion factors. GSR code 2R.
7	under other reasons the commander requests with prior approval from the individual's wing commander. (Do not use reasons of substandard behavior or performance, or problems with OJT, etc.) GSR Code 2N.
8	identified as having 18 or more years TAFMS on the promotion effective date and does not have 2 years retainability the day before the promotion effective date. GSR code 2K.
9	serving in the grade of SrA and does not complete the NCO Preparatory Course or the Airman Leadership School; TSgt and does not complete the resident command NCO Academy; and SMSgt and does not complete the resident Senior NCO Academy (or equivalent) GSR Code 2T. (See Note 5)

(Notes to table continued on next page)



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

09 APR 1998

MEMORANDUM FOR AFBCMR

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

SUBJECT: [REDACTED]

Requested Action. The applicant requests voidance of the enlisted performance report (EPR) that closed out 16 Aug 95.

Basis for Request. The applicant believes the comments the rater used are not consistent with the legal review findings of the report of inquiry (ROI), feedback sessions and past duty performance.

Recommendation. Deny.

Facts and Comments.

a. The application is timely. The applicant filed a similar appeal under AFI 36-2401, Correcting Officer and Enlisted Evaluation Reports, which was denied by the Evaluation Report Appeal Board in their 22 Jul 97 memorandum. A copy of the AF Form 948, Application for Correction/Removal of Evaluation Reports, and the ERAB's decision letter is attached to our advisory.

b. AFI 36-2403, The Enlisted Evaluation System, 15 Jul 94 is the governing directive.

c. In support of his appeal the applicant includes a personal brief; a copy of the Legal Review of the Report of Inquiry; a copy of his rebuttal to the referral EPR; a summary of his DD 149 appeal; and a copy of the contested referral EPR with the notification memorandum attached.

d. Air Force policy is that an evaluation report is accurate as written when it becomes a matter of record. To effectively challenge an EPR, it is necessary to hear from all the members of the rating chain—not only for support, but for clarification/explanation. The applicant failed to provide any information/support from the rating chain on the contested EPR. In the absence of information from evaluators, official substantiation of error or injustice from the Inspector General (IG) or Social Actions is appropriate, but not provided in this case. In this case, the applicant submitted a copy of the legal review of the ROI. The

9800369

legal reviewer found the applicant had willingly “gamed the system” by failing to report cancellations of new recruits until he had replacements for them. Additionally, those under his supervision had “followed his lead” and used the same unethical method of reporting the number of recruits. The legal review officer found those individuals undeserving of any derogatory action, not the applicant. He ascertained **the** applicant had “no doubt, danced around” the subject of gaming the system when questioned by the investigative officer and believed this “activity (falsifying records) was long-term, pervasive, and served to encourage junior E Flight personnel to do likewise.” He recommended an Unfavorable Information File (UIF) be established **and** the Letter of Reprimand (LOR) be placed in it. Additionally, he concurred the applicant should be relieved of his duties as flight supervisor and retrained into a different career field. The applicant did not provide a copy of the LOR. He also claims a UIF was never established. We, therefore, believe the report to be **an** accurate assessment of the applicant’s duty performance during the period in question.

e. **The** applicant is attempting to relate the ratings on the EPR to the **markings** on the performance feedback worksheet (PFW). Although the applicant did not provide the PFW, it is a moot point because it is **an** inappropriate comparison and is inconsistent with the **EES**.

(1) The PFW relates only to duty performance. It is not **an** absolute indicator of potential for serving in a higher grade.

(2) The purpose of the feedback session is to give the ratee direction and to define performance expectations for the rating period in question. Feedback also provides the ratee the opportunity to improve performance, if necessary, before the EPR is written. The rater who prepares the PFW may use the PFW as **an** aid in preparing the EPR and, if applicable, subsequent feedback sessions.

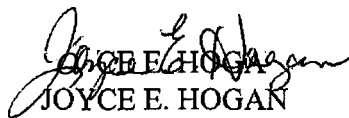
(3) The PFW acts **as** a scale on where the ratee stands in relation to the duty performance expectations **of** the rater. A PFW with all items marked “needs little or no improvement” means the ratee is meeting the rater’s standards. It does not guarantee a firewalled EPR. *Also*, a ratee who performs current duties in an exceptional manner could demonstrate **only** limited potential for the next higher grade. Or, a ratee who still needs to improve in the performance of current duties could demonstrate great potential for the next higher grade. There **is** a not a direct correlation between the markings on **the** PFW and the ratings on **an** EPR.

(4) Every exceptional performer does not possess outstanding promotion potential **and** evaluators need to make that clear on the EPRs they write.

f. The applicant contends the contested EPR is inconsistent with previous performance. We agree. However, it is not feasible to compare one report covering a certain period of time with another report covering a different period of time. This does not allow for changes in the ratee’s performance and does not follow the intent of the governing regulation, **AFI 36-2403**. The EPR was designed to provide a rating for a specific period **of** time based on the performance noted during that period, not based on previous performance.

g. We would like to point out the contested referral EPR, rendered to the applicant as a result of substantiated unethical behavior, inadvertently caused those under his direction to "follow suit" and **falsify** official government records. We concur with the advisory opinion rendered by HQ AFPC/DPPPWB on **25 Mar 98**. Even if the board directs removal **of** the referral report, the applicant would not become eligible for promotion consideration. The applicant was removed from the recruiting career field for reasons within his control and subsequently retrained. He currently holds a "**3**" skill level, which renders **him** ineligible **for** promotion consideration. The applicant was expected to maintain standards of conduct and responsibility at least as stringent **as** the rest of the noncommissioned officer (NCO) corps. The applicant used poor judgment and made false official statements, **a** point not in contention, and this impropriety was appropriately reflected in his **16 Aug 95** EPR. We understand the applicant's desire for the board to direct voidance of the contested EPR. However, to remove the EPR from his record would be unfair to all the other NCOs who exercised integrity and honestly and effectively performed their duties. **We**, therefore, conclude removal of the contested report would make the applicant's record inaccurate.

Summary. Based on the evidence provided, our recommendation of denial is appropriate.



JOYCE E. HOGAN

Chief, BCMR and SSB Section
Dir of Personnel Program Mgt

Attachment:
HQ AFPC/DPPPAE Ltr, 22 Jul 97 w/Atch

22 JUL 1997


MEMORANDUM FOR 88 MSS/DPMPE

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

SUBJECT: AFI 36-2401 Decision: [REDACTED]
EPR closing 16 Aug 95

The Evaluation Report Appeal Board (ERAB) denied the attached **appeal** application. The board considers **an evaluation report** to be **an accurate assessment** when rendered; therefore, substantial evidence is required to challenge a report's accuracy. As you are aware, the Military Personnel Flight is responsible for providing members counseling or applications submitted under AFI 36-2401. As such, to assist you in counseling the applicant, this letter provides our **assessment** of the application. We believe the Board was not convinced by [REDACTED] documentation. The Board found no evidence that the contested report was an **inaccurate** assessment of [REDACTED] performance during the period in question, that it contained erroneous information, nor that it was improperly prepared or rendered. Statements from members of the rating chain that provide clear evidence of **error** or injustice may strengthen this case.

After counseling, please provide this letter announcing the Board's decision to [REDACTED]. He may gather new material evidence and reapply under AFI 36-2401, but the original documentation submitted with this appeal should be included with the new application. While we cannot guarantee a favorable decision will result from the additional evidence submitted, we will ensure the case is processed as fast as possible. Another avenue available to [REDACTED] is to appeal under AFI 36-2603 to the Air Force Board for Correction of Military Records.


KENNETH R. WHITT, MSgt, USAF
NCOIC, Evaluation Reports Appeals Section
Directorate of Pers Prgm Mgt

APPLICATION FOR CORRECTION/REMOVAL OF EVALUATION REPORTS

(THIS FORM IS SUBJECT TO THE PRIVACY ACT OF 1974)

AUTHORITY: 10 U.S.C. 8013

PRINCIPAL PURPOSE: To apply for correction of evaluation reports. Use of SSN is necessary to make identification of the individual and records.

ROUTINE USES: Records from this system of records may be disclosed for any of the blanket routine uses published by the Air Force.

DISCLOSURE IS VOLUNTARY: If information is not furnished, applicant may be denied relief sought.

INSTRUCTIONS: Route your application per AFR 31-11. Attach additional sheets of paper if more space is needed. When using additional sheets, list item continuation numbers.

1. NAME (Print Last, First, Middle Initial)	1. GRADE	3. SOCIAL SECURITY NUMBER
	TSgt	
2. CURRENT MILITARY ADDRESS (Organization, Command, Location)	5. OFFICE PHONE (Autovon and Extension)	6. CURRENT MILITARY STATUS
		ACTIVE DUTY <input checked="" type="checkbox"/> XX
		RESERVE (Non EAD)
		RETIRED

7. RESIDENCE MAILING ADDRESS (Include or advise of any change of address)

8. LIST TYPE OF REPORT BEING APPEALED AND THE THRU DATE

APR, EPR, LOE, OER, OPR, PRF OR TR	THRU DATE (for PRF enter data from section VII)
EPR	16 Aug 95

9. SSB PROMOTION CONSIDERATION FOR EAD OFFICERS (See AFR 31-11, para 11, and AFR 36-89)

<input checked="" type="checkbox"/> Not Applicable	<input checked="" type="checkbox"/> XXXXXX
--	---

If my correction request is approved, I request SSB promotion consideration to the grade of _____ by the _____ Boards.

10. ACTION REQUESTED (Be brief and specific)

Void EPR w/closeout date if 16 Aug 95.

11. REASONS TO SUPPORT REQUESTED ACTION (Be brief and specific)

As a result of an inquiry while I was a recruiter, the Staff Judge Advocates office disagreed with the actions of the inquiry officer, however, the rater of my EPR used terminology and words (and this is how I was ultimately rated) on the EPR which directly contradicted with the real findings. The terminology used on my EPR are words that suggest I was a criminal (according to the Judge Advocates Office whom I consulted after the EPR was written). I am not criminal. I was issued a letter of reprimand prior to this EPR. I was not given a UIF nor was I placed on the control roster. The inquiry officer recommended article 15's, Court Martial action and he even went as far as suggesting psychiatric evaluation just because I couldn't remember dates and times (which were approx 1 year prior to the inquiry). The Judge Advocate highly recommended none of the action be taken and claimed the inquiry officer acted in "greater vehemance" than he should have.

I need your assistance. There was at ax to grind because I began disagreeing with some of the leadership philosophies of my supervisor and commander. I questioned their integrity and their willingness to take care of the troops in my flight. Since that day, I was a marked man. It was obvious to me and to others around me. Even though the inquiry was turned around by the SJA, my supervisor and commander decided to use all they could in any way they could to "punish" me for questioning their ways (lack of integrity).