



DEPARTMENT OF THE AIR FORCE

WASHINGTON, DC

OCT 27 1998

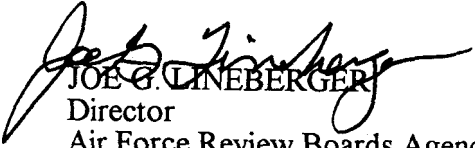
Office of the Assistant Secretary

AFBCMR98-00499

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] to include the Officer Performance Report, AF Form 707A, rendered for the period 26 June 1996 through 14 February 1997, reflecting "select this dynamic leader for SSS" in the Section VII, Additional Rater's Overall Assessment, be considered for promotion to the grade of lieutenant colonel by Special Selection Board for the Calendar Year 1997C Central Lieutenant Colonel Board.


JOE G. LINEBERGER
Director
Air Force Review Boards Agency

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

OCT 27 1998

IN THE MATTER OF:

DOCKET NUMBER: 98-00499

COUNSEL: None

HEARING DESIRED: No

APPLICANT REQUESTS THAT:

1. The Officer Performance Report (OPR) closing 14 February 1997 be replaced with a reaccomplished report.
2. The Performance Recommendation Form (PRF) reviewed by the Calendar Year 1997 (CY97) Lieutenant Colonel Selection Board be replaced with a reaccomplished PRF.
3. He be granted Special Selection Board consideration for the Calendar Year 1997 (CY97) Lieutenant Colonel Selection Board.

APPLICANT CONTENDS THAT:

When he met the CY97 Lieutenant Colonel Selection Board, the additional rater's inappropriate Professional Military Education (PME) recommendation and the rater's missing PME statement on his OPR may have created a negative effect on his promotion opportunity. The Evaluation Report Appeal Board (ERAB) corrected the OPR to include in the additional rater's statement a recommendation for Senior Service School (SSS) instead of Intermediate Service School (ISS). The OPR and PRF also inadvertently omitted a significant leadership accomplishment, "1996 PACAF ATC Complex of the Year." The ERAB stated that the documentation presented did not confirm when the PACAF award was announced. Since the nomination letter was dated 24 February 1997, they believe the PACAF award could not **have** been included in the report. It was the decision of the ERAB not to substitute a corrected OPR or to modify the PRF.

In support of his request, the applicant submitted a copy of the package submitted to ERAB.

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 submitted a similar appeal under AFI 36-2401 Correcting Officer and Enlisted Evaluation Reports, which was denied in part by the ERAB. Their decision was to administratively correct the OPR to reflect the appropriate PME recommendation in the additional rater's comments.

The applicant has one nonselection by the CY97C central selection board.

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

<u>PERIOD ENDING</u>	<u>OVERALL EVALUATION</u>
7 Aug 1994	Meets Standard (MS)
25 Jun 1995	MS
25 Jun 1996	MS
* 14 Feb 1997	MS

*Contested report

AIR FORCE EVALUATION:

The Recorder, Officer Evaluation Boards, AFPC/DPPPEB, reviewed the application and stated that the senior rater is solely responsible for reviewing the ratee's record of performance and preparing the PRF. In the applicant's case, the award could not have been placed in his 14 February 1997 OPR since the award was not officially announced by PACAF until 24 February 1997. The senior rater could have used other reliable information that was available at the time of the PRF preparation; however, there is no requirement in AFI 36-2402 that requires the senior rater to use the information. The applicant had two avenues to pursue to clarify his PRF. He could have approached the senior rater to request the award be added to the PRF; second, he had the opportunity to write the board president to address his concern about the importance of the award and the inability to have it included in his OPR and/or PRF. Since he is requesting a PRF re-write, he must have the concurrence of both the senior rater and the Management Level Review Board (MLRB) president. He has not provided a new form from his senior rater or concurrence from the MLRB president. Based on the evidence submitted, DPPPEB recommends 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 it is Air Force policy that an evaluation report is accurate as written when it becomes a matter of record. It takes substantial evidence to the contrary to have a report changed or voided. The statement of support from the rater of the 14 February 1997 OPR states "In my effort to add emphasis to his selection to the ACC/IG team, the PME

recommendation was not stated." This indicates the rater made a conscious decision to omit the PME statement in an attempt to emphasize an achievement he felt more important than the PME recommendation. The appeal process is to correct errors or injustices. Not to recreate history or to enhance one's promotion potential. Any report can be rewritten to be more hard hitting or to enhance a ratee's potential; however, the time to do that is before the report becomes a matter of record. They also pointed out that the PME recommendation statement which the applicant now wants added to the OPR is optional and its absence does not flaw the report. The applicant's contention concerning the omission of the **MAJCOM** award on both the OPR and PRF are unfounded. It is not mandatory to mention receipt of a MAJCOM level award on either an OPR or a PRF. The rater alone has been given the charge to assess and document what the officer did, how well he did it, and his potential based on that performance. The ERAB granted an administrative change to the applicant's OPR. This minor change does not warrant SSB consideration. Each officer considered by the CY97C board received detailed instructions for review of this preselection briefs and associated records. Officers will not be considered by SSB if, in exercising reasonable diligence, the officer should have discovered an error or omission in his/her records and could have taken timely corrective action. Based on the evidence provided, they strongly recommend denying the applicant's request.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the evaluations and responded that AFPC acknowledged it corrected one of the errors on his OPR; however, they justified denial of SSB with a claim that there was no clear evidence it negatively impacted his promotion opportunity. Although AFPC could provide data to support its position, it chose only to provide anecdotal evidence because hard data would only support his position and not theirs. Various MAJCOM Officer Evaluation System (OES) guides have long acknowledged that a missing PME statement is a negative on an OPR, and has been confirmed by board members. Additionally, AFPC has granted SSBs when a PME level was the only correction made, and the officer was selected (see 94-03592). They have not provided a scintilla of proof that this error was not or could not be persuasive; such decision should be left to a duly convened SSB, which he asks this board to direct. The AFPC position that he didn't act promptly or exercise due diligence is without foundation. How could he have corrected the contested report in three and one-half months when it has already taken seven months to get half way through this appeal. The partial correction of the errors in the contested report leave at least two major flaws. There is no comment about the selection of the Kadena Air Traffic Control Facility as "Best in PACAF." His rater's PME recommendation has

not been added as he has requested. He contends the AFBCMR now has the statutory duty and obligation to grant whatever relief is necessary. AFPC still chooses to quibble about how his additional rater could have added the fact that his ATC facility was recognized as "Best in PACAF." They continue to focus on the close-out date, not the signature dates of the report. The original OPR was signed by the additional rater on 24 February 1997. The PACAF awards had clearly been made before 24 February 1997 as the results were forwarded to HQ USAF for Air Force competition on 24 February 1997. No doubt, there was informal communication already in progress between HQ PACAF and his unit at Kadena AB. This occurred while he was in transit to Langley AFB so he had no way to insure all his evaluators had this information for his OPR and PRF; apparently it was overlooked. Board members need to ask themselves if this information was significant and was it available to the additional rater when he indorsed the OPR. The answers to both questions are **YES**. This was indeed recognition of a major leadership accomplishment and was appropriate for inclusion in the report. AFPC acknowledges the purpose of the appeal process is to correct errors or injustices. It fails to recognize the injustice he suffered by reason of the rater's omission of the PME recommendation and the additional rater's inappropriate ISS recommendation. AFPC also fails to recognize that the purpose of the appeal process is to enhance an officer's promotion potential if that potential was unrealistically diminished by the actions of others. The real issue is whether his record would have been more competitive with the proper SSS recommendation than it was without it. In the process of trying to further his career opportunity, his rating chain unintentionally sent the wrong message to future promotion boards that he was only ready for ISS as a major when, in fact, he had already completed that curriculum. He should not be made to suffer for their mistake.

Applicant's complete response is attached at Exhibit F.

ADDITIONAL AIR FORCE EVALUATION:

The Chief, Appeals and SSB Branch, AFPC/DPPPA, reviewed the application and states that applicant has failed to include credible evidence to convince them that his record was erroneous when it met the CY97C board. Therefore, they reiterate their recommendation to deny the application and do not believe that SSB consideration is warranted.

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

APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION:

Applicant reviewed the Air Force evaluation and provides his comments at Exhibit I.

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 thoroughly reviewing the evidence presented, we are not persuaded that the omission of the rater's recommendation for professional military education (PME) on the contested Officer Performance Report (OPR) or the omission of the PACAF award on both contested reports hindered applicant's chances for promotion. The letter from the rater indicates that he concentrated on specific accomplishments which he felt were more important than the PME recommendation. Contrary to applicant's assertions, we find insufficient evidence that the omission of the rater's PME recommendation on the contested report was the sole cause of his nonselection. Further, we note that it is not mandatory to mention a MAJCOM level award on either an OPR or a PRF; therefore this omission does not cause these reports to be flawed. Further, it is the rater who determines which accomplishments will be included on evaluation reports. In view of the above, we find that applicant has failed to sustain his burden of establishing the existence of either an error or an injustice warranting favorable action on his requests to replace the contested reports.
 4. Notwithstanding the above finding, a majority of the Board believes that some form of relief is warranted. In this respect, the Board majority notes that the Evaluation Report Appeal Board (ERAB) corrected the contested OPR by changing the additional rater's PME recommendation from ISS to SSS. This correction was approved after the Calendar Year 1997C selection board was convened. While it cannot be conclusively determined whether or not the absence of the correct level of PME was the sole reason for applicant's nonselection for promotion by the board in question, a majority of the Board believes that it served to deprive him of fair and equitable consideration. Therefore, a majority of the Board recommends his corrected record be considered by Special Selection Board for the CY97C board.
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~~THE BOARD RECOMMENDS THAT:~~

The pertinent military records of the Department of the Air Force relating to APPLICANT, to include the Officer Performance Report, AF Form 707A, rendered for the period 26 June 1996 through 14 February 1997, reflecting "select this dynamic leader for SSS" in the Section VII, Additional Rater's Overall Assessment, be considered for promotion to the grade of lieutenant colonel by Special Selection Board for the Calendar Year 1997 Central Lieutenant Colonel Board.

The following members of the Board considered this application in Executive Session on 23 June and 29 September 1998, under the provisions of AFI 36-2603:

Mr. Wayne R. Gracie, Panel Chair
Mr. Allen Beckett, Member
Mr. Loren S. Perlstein, Member

By majority vote, the Board voted to correct the records, as recommended. Mr. Gracie voted to deny applicant's request but does not wish to submit a minority report.

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 17 Feb 98, with atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPPEB, dated 2 Mar 98.
- Exhibit D. Letter, AFPC/DPPPA, dated 6 Mar 98.
- Exhibit E. Letter, AFBCMR, dated 19 Mar 98.
- Exhibit F. Applicant's Letter, dated 4 May 98.
- Exhibit G. Letter, AFPC/DPPPA, dated 12 Aug 98.
- Exhibit H. Letter, AFBCMR, dated 31 Aug 98.
- Exhibit I. Applicant's response, dated 2 Sep 98, w/atch.

Wayne R. Gracie

WAYNE R. GRACIE
Panel Chair



12 AUG 1998

MEMORANDUM FOR AFBCMR

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

SUBJECT: Application for Correction of Military Records.



This memorandum will address the applicant's rebuttal comments to our 6 Mar 98 advisory. The applicant provided documentation in this appeal that is virtually identical to that which we have repeatedly reviewed with other appeals and have found to be nothing more than unsubstantiated conjecture. We do not believe the information included is an individual creation of the applicant, but rather, acquired from unidentified counsel. The PRF issue was adequately addressed in HQ AFPC/DPPPEP's advisory. We will address the applicant's other comments.

The applicant references the name and docket number of an individual to whom we granted an Special Selection Board (SSB) when a change to the PME level was the only change made to the OPR. While it is true we granted the applicant an SSB, we did so as an exception to policy based on an error in our notification process—not the correction to the level of PME on the OPR. In the applicant’s instance, no error of that nature has occurred. Omission of a recommendation for PME is not an error. This issue was addressed adequately in our original advisory and requires no further discussion.

The applicant's contention we claimed he had sufficient time to correct his OPR before the Jul 97 board is unfounded. We never stated we could have had the OPR corrected prior to the board. We stated he failed to do everything he could have, for example, write a letter to the P0597C board president, **prior to the selection board**, to ensure his record was accurate. Since he was aware of the accomplishment some five months prior to the P0597C board, and the achievement was not on his OPR, it was his responsibility to ensure the board was aware of the achievement if he felt it important to his promotion consideration. His failure to write the board president resulted in the board not knowing about the achievement. The omission is not an error. In fact, AFI 36-2402, Officer Evaluation System, 1 Jul 96, para 1.4.5, states in part, "If an incident occurs between the time the report closes and the time it becomes a matter of record that is of such gravity it cannot be ignored, an extension of the closeout date may be warranted. HQ AFPC/DPPPEP retains the authority to extend a closeout date...." We contacted HQ AFPC/DPPPEP to ascertain whether or not this event would have been a reason to extend the closeout date of the report. They informed us that only incidents of a negative nature are considered under this provision; therefore, a request of this nature would have been disapproved.

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The applicant failed to include any credible evidence to convince us his record was erroneous when it met the P0597C board. We, therefore, stand by our original recommendation of denial and do not believe SSB consideration is warranted.



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

9800499



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

02 MAR 1998

MEMORANDUM FOR SAF/MIBR
AFBCMR

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

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

Requested Action: The applicant is requesting his CY97 Lt Col (LAF) Promotion Recommendation Form (PRF) be re-written to include a 1996 MAJCOM level award.

Basis of Request: Applicant received a MAJCOM level award, 1996 PACAF ATC Complex of the Year, prior to the CY97 Lt Col (LAF) Central Selection Board (CSB) which was not included on the applicant's PRF.

Facts: The applicant received a "P" promotion recommendation on his CY97 PRF and was nonselected for promotion to Lt Colonel,

Discussion: We will only address the technical aspects of this case as they pertain to the applicant's CY97 Lt Col (LAF) PRF. Per AFI 36-2402, *Officer Evaluation System*, (Jul 96), 4.4, the senior rater is solely responsible for reviewing the ratee's record of performance and preparing the PRF.

In the applicant's case, the award could not have been placed in his 14 Feb 97 OPR since the award was not officially announced by PACAF until 24 Feb 97; however, per AFI 36-2402 4.4.1.1, the senior rater could have used other reliable information that was available at the time of the PRF preparation (22 May 97 being the earliest the senior rater could sign the PRF). In the applicant's case, the information regarding the award was available based upon the announcement date of 24 Feb 97; however, there is no requirement in AFI 36-2402 that requires the senior rater to use this information.

In this case, the applicant had two avenues to pursue in order to clarify his PRF. First, upon receiving his PRF 30 days prior to the CSB (approximately 20 Jun 97), the applicant could have approached the senior rater to request the award be added to the PRF since the award was based upon reliable information not found in an OPR. Second, the applicant had the opportunity to write the CSB president to address his concern about the importance of the award and the inability to have it included in his 14 Feb 97 OPR and/or the PRF.

Since the applicant is requesting a PRF re-write, he must, per AFI 36-2401 para 1.3.6, *Correcting Officer and Enlisted Performance Reports*, have both the senior rater's concurrence and the MLR president. In this case, the applicant has not provided a new PRF from his CY97 Lt Col (LAF) senior rater or concurrence from CY97 Lt Col (LAF) PACAF MLR president.

Recommendation: A PRF is considered to be an accurate assessment of the officer's performance when the PRF is rendered. Per AFI 36-2402, *Officer Evaluation System*, the senior rater, by reviewing an officer's Record of Performance and other reliable information, is solely responsible for the information placed into the PRF. Presently, the applicant does not have the support of either his CY97 Lt Col (LAF) senior rater or PACAF MLR president to change the contents of the PRF. As stated, there is no requirement in AFI 36-2402 which requires inclusion of the applicants 1996 award. The original PRF should stand since the narrative comments in Section IV, Promotion Recommendation, provided an assessment of the officer's performance which supports the "Promote" recommendation given in Section IX, Overall Recommendation.



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



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

6 MAR 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 special selection board (SSB) consideration by the CY97C (21 Jul 97) (P0597C) central lieutenant colonel promotion board with the inclusion of a revised promotion recommendation form (PRF) and officer performance report (OPR).

Basis for Request. The applicant **was** the recipient of a MAJCOM-level award, but no mention was ever made of the award on his 14 Feb 97 OPR or P0597 PRF. Further, he contends a recommendation to attend professional military education (PME) was inadvertently omitted **from** the rater's comments in Section VI of the contested OPR. Although the ERAB directed correction of **the** applicant's 14 Feb 97 OPR in Section VII (changed **ISS** to **SSS**), they declined his request for consideration by **an** SSB. The applicant believes this correction warrants promotion reconsideration.

Recommendation, Deny.

Facts and Comments.

a. The application is timely. The applicant **filed** a similar appeal under AFI 36-2401, Correcting Officer and Enlisted Performance Reports, which **was** denied in part by the Evaluation Report Appeal Board (ERAB) 12 Jan 98. A copy of the ERAB's decision memorandum is included in the applicant's appeal package.

b. AFI 36-2402, Officer Evaluation System, 1 Jul 96, is the governing directive. The applicant has one nonselection to the grade of lieutenant colonel by the P0597C central selection board.

c. In support of his appeal the applicant includes **a** personal brief; copies of his 25 Jun 96 and 14 Feb 97 OPRs; **a** copy of a memorandum from his rater; **a** copy of a memorandum from outside the rating chain; a copy of the P0597C **PRF**; and a copy of the

or voided. To effectively challenge **an** OPR, it is important to hear from **all** the evaluators on the contested report--not only for support, but for clarification/explanation. The applicant provided a statement of support from the rater of the 14 Feb 97 OPR. The letter states, "In my effort to **add** emphasis to his selection to the ACC [Air Combat Command] **IG** [Inspector General] team, the PME recommendation was not stated." This statement indicates the rater made a conscious decision to omit the PME statement in the attempt to emphasize **an** achievement he felt more important than the PME recommendation. In addition, **AFI 36-2402**, Figure 3.2, Line 17, states, "...recommendations to select for **a** particular assignment, PME, augmentation, continuation, or indefinite reserve status are appropriate.." While it may **be** argued that the omission **of** a recommendation for PME **in** Section VI of the OPR was inadvertent rather **than** intentional, the purpose of the appeal process is to correct errors or injustices. The purpose is not to recreate history or to enhance one's promotion potential. Evaluation reports receive exhaustive reviews prior to becoming a matter of record. Any report can be rewritten to be more hard hitting or to enhance a ratee's potential. However, the time to do that is before the report becomes a matter of record. We would also point out that the **PME** recommendation statement which the applicant now wants added to the OPR in question is optional, and its absence does not flaw the report. We, therefore, are opposed to the applicant receiving **SSB** consideration on this issue.

e. The applicant states, "...it is common knowledge the absence **of a PME** recommendation on an OPR transmits a negative signal to board members." We do not agree. There is no clear evidence that it negatively impacted his promotion opportunity. Central boards evaluate the entire officer selection record (**OSR**) (including the promotion recommendation form, officer performance reports, officer effectiveness reports, training reports, letters of evaluation, decorations, **and** officer selection brief), assessing whole person factors such as job performance, professional qualities, depth and breadth of experience, leadership, **and** academic and professional military education. A review of a sampling of selection records from the P0597C board revealed that not all officers with PME recommendations on their OPRs were selected for promotion by the board nor did all officers selected have consistent PME recommendations. **As** noted above, a PME recommendation statement is optional, and not a determining factor or guarantee of promotion selection. The selection board had his entire officer selection record that clearly outlines his accomplishments since the date he came on active duty. **We** are not convinced the omission of the **PME** statement from the OPR was the sole cause of the applicant's nonselection.


f. We concur **with the** advisory written **by** HQ AFPC/DPPPEB. The applicant's contention concerning the omission of the MAJCOM award on both the 14 Feb 97 OPR and the P0597C PRF are unfounded. It is not mandatory to mention receipt of a MAJCOM level award on either **an OPR** or a PRF, nor is the report flawed simply because the ratee **thinks** it is. **We** would like to stress it is the rater, **not the ratee**, who determines **which** accomplishments will be included on evaluation reports (the senior rater for PRFs). The rater alone **has** been given **the** charge to assess and document what the officer did, how well he did it, and his potential based on that performance.

g. The ERAB's decision memorandum was very explicit. They, in detail, outlined what was needed from the applicant to proceed with his appeal in regard to **the PRF**.

We contend the applicant did not take the time to contact his senior rater and Management Level Review president to obtain the required evaluator support, or perhaps he did contact them, and they refused to honor his request to change the PRF. We, therefore, contend the PRF is not erroneous, but was accomplished in direct accordance with the applicable Air Force directives.

h. The ERAB granted an administrative change to the applicant's 14 Feb 97 OPR in section VII. They changed "ISS" to "SSS." This minor change does not warrant SSB consideration. Each eligible officer considered by the P0597C board received detailed instructions for review of their preselection briefs and associated records. **The** instructions clearly state "Officers are responsible for reviewing their PRF, **OPRs** and data on their preselection brief for accuracy prior to the board date, addressing all concerns **and** discrepancies **through** their servicing Military Personnel Flight (MPF), and if necessary, their chain of command and senior rater. **Officers** will not be considered by **SSB** if, in exercising reasonable diligence, the officer should have discovered **an** error or omission in his/her records and could have taken timely corrective action. The applicant was aware the "1996 PACAF ATC Complex of the **Year**" award was not reflected on his OPR and PRF, and presumably was aware **of** the omitted PME statement and inappropriate level of PME recommendation on the **14 Feb 97 OPR**. If he believed those issues to be important to his promotion consideration, **the** perfect avenue for him to address them would have been to write a letter to the board president of the P0597C board. However, we do not find any record the applicant wrote such a letter to **the** board president. We strongly recommend denying the applicant's request for SSB consideration on these issues.

Summary. **Based** on the evidence provided, our recommendation of denial is appropriate. Further, we do not believe **SSB** consideration is warranted.


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