

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

AUG 14 1998

IN THE MATTER OF:

DOCKET NUMBER: 98-00545

[REDACTED]
[REDACTED]
COUNSEL: None

HEARING DESIRED: No

APPLICANT REQUESTS THAT:

1. His Officer Selection Brief (OSB) reviewed by the Calendar Year 1997 (CY97C) Lieutenant Colonel Selection Board be corrected to show his duty title as Chief, Beam/Fire Control Branch instead of Beam/Fire Control Branch.
2. The number of awards for the Meritorious Service Medal (MSM) be corrected to reflect two instead of one.
3. He be considered for promotion to the grade of lieutenant colonel by Special Selection Board (SSB) for the CY97C board.

APPLICANT CONTENDS THAT:

His records did not reflect this information and he was not selected for promotion to lieutenant colonel. He reviewed his records in May 1997 through June 1997 and worked with his unit records personnel to correct all of the identified errors. A copy of the missing decoration was faxed to AFPC on 24 June 1997. A copy of the Officer Performance Report (OPR) for the period closing 14 May 1997 had to be faxed to AFPC, but it was of poor quality. Despite these efforts, corrections were not made. This gave the promotion board inaccurate impressions and input to their decision.

In support of his appeal, the applicant submitted a letter from the Executive Officer of his unit to help clarify the actions taken to correct his records before the promotion board convened.

Applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

The applicant is currently serving in the grade of major. He has one nonselection for promotion by the CY97C Lieutenant Colonel Selection Board.

The Officer Selection Brief (OSB) reviewed by the CY97C board contained the notation that he had been awarded an MSM in 1992 and

the Air Force Commendation Medal (AFCM) in 1985. The contested MSM was not reflected on the OSB. His duty title was listed as Beam/Fire Control Branch.

Following is a resume of his OPRs since promotion to major.

<u>PERIOD ENDING</u>	<u>OVERALL EVALUATION</u>
14 May 1994	Meets Standard (MS)
14 May 1995	MS
* 14 May 1996	MS
* 14 May 1997	MS

Note: * OPR in question

AIR FORCE EVALUATION:

The Chief, Appeals and SSB Branch, AFPC/DPPPA, reviewed the application and stated the applicant's duty history was incorrect and has since been corrected in the Personnel Data System (PDS). However, the promotion recommendation form (PRF) and the OPR reflected a duty title of "Chief, Beam Control Branch." The word "Fire" is missing from both documents. He has provided no source documents to support the duty history entry in the PDS. They have forwarded an appeal to AFPC/DPAIS1 for authority determination. Regardless of that determination, DPPPA does not support promotion reconsideration on this issue.

Regarding his contention of the award of the MSM, 1st Oak Leaf Cluster (MSM 10LC), again the applicant is correct. However, the citation was filed in the Officer Selection Record (OSR) on 26 June 1997. They pointed out that evidence of a decoration within the OSR speaks to the decoration itself. Even though the MSM 10LC was not accounted for on the OSB, it was in his OSR. Therefore, the board members were knowledgeable the decoration was given. The applicant contends the OPR the board reviewed was of poor quality and had to be faxed from AFMC. DPPPA stated that in reviewing the applicant's record, they inquired as to the date the OPR arrived and learned it arrived on 9 July 1997, well in advance of the board convening date. It also has a stamp of 21 July 1997 indicating that this document was considered by the board. As to the clarity of the copy, they stated that while it is a fax copy, there is no text on this document that is illegible. Based on the evidence, they recommended denial.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 10 March 1998 for review and comment within 30 days. As of this date, no response has been received in 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 warranting promotion reconsideration by a Special Selection Board. Essentially, applicant contends that as a result of errors in his records, the Calendar Year 1997 (CY97) Central Lieutenant Colonel Board was given an inaccurate impression of his record; however, after reviewing the evidence of record, we are persuaded that he was provided full and fair consideration by the selection board. In coming to this conclusion, we make the following observations:

a. Applicant contends that his duty title was incorrect on the Officer Selection Brief (OSB). The letter from the former Airborne Laser System Program Office Executive Officer indicating that corrections were made in May 1997 at the local level to applicant's duty title is duly noted. However, we note that the 14 May 1997 Officer Performance Report (OPR) and the Promotion Recommendation Form (PRF) prepared for the CY97 board both reflect the duty title of Chief, Beam Control Branch versus Chief, Beam/Fire Control Branch. Further, while we note that the contested OSB entry does not contain the word "Chief," it does contain the word "Fire" which is not reflected on either the OPR or PRF. In view of these discrepancies, and with no authorizing documentation to reflect that changes were officially made to the duty title, we find no compelling basis upon which to change the duty title from what is reflected on the OPR and PRF.

b. Secondly, the Air Force acknowledges that the citation for the MSM, 10LC, was not a part of applicant's Officer Selection Record (OSR); however, the award was reflected on the OSB, therefore, the board was aware of its existence. We note that the central boards evaluate the entire officer record and it is highly unlikely the missing citation was the cause of his nonselection. After reviewing the evidence of record, we are compelled to conclude that this omission constituted a harmless error.

c. Lastly, with respect to applicant's contention regarding the OPR closing 14 May 1997, we note that the report, albeit a faxed copy, was in his record when it was reviewed by the selection board.

In summary, we do not find applicant's numerous assertions, in and by themselves, sufficiently persuasive to override the rationale provided by the Air Force. Therefore, we agree with the recommendation of the Air Force and adopt the rationale expressed as the basis for our conclusion that the applicant failed to sustain his burden of establishing the existence of either an error or an injustice warranting favorable action on these requests.

THE BOARD DETERMINES THAT:

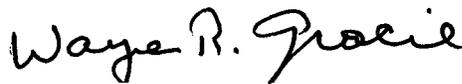
The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

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

Mr. Wayne R. Gracie, Panel Chair
Mr. Dana J. Gilmour, Member
Mr. Allen Beckett, Member

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 21 Feb 98, with atchs.
Exhibit B. Applicant's Master Personnel Records.
Exhibit C. Letter, AFPC/DPPPA, dated 17 Mar 98.
Exhibit D. Letter, AFBCMR, dated 30 Mar 98.


WAYNE-R. GRACIE
Panel Chair



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

17 MAR 98

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 promotion reconsideration by the CY97C (21 Jul 97) lieutenant colonel board (P0597C).

Basis for Request. The applicant contends there were **errors** on his officer selection brief (**OSB**) in spite of **his** efforts prior to the board to get them corrected. We **address** each separately below.

 is Deny.

Facts and **ts.**

- a. The application is timely filed. Application under AFI 36-2401, **Correcting Officer and Enlisted Evaluation Reports**, would not have been appropriate.
- b. **The** governing directive is AFI 36-2501, **Officer Promotions and Selective Continuation**, 1 Mar 96.
- c. The applicant **has** one nonselection by the P0597C board.
- d. **8 Sep 96 Duty History Entry.** The applicant contends this **duty history entry** did not indicate "Chief, Beam/Fire Control Branch" but merely "Beam/Fire Control Branch." The applicant is correct. We note the personnel data system (PDS) **has** since been corrected to reflect the duty **title**. However, we note the promotion recommendation **form** (PRF) [REDACTED] and his 14 May 97 officer performance report (OPR) reflect a duty title of "Chief, Beam Control Branch." The word "**Fire**" is missing from both documents. **The** applicant has provided no source **documents** to support the **duty history entry** in the PDS. We believe the **entry** is inaccurate **as** both the PRF and OPR were issued **within** two months of the board. Therefore, we are **forwarding** the appeal to HQ AFPC/DPAIS 1 for **authority** determination. Regardless of their determination, we do not support promotion reconsideration on this issue.

9800545

e. **Number** of Decorations. The applicant contends the OSB did not reflect his award of the Meritorious Service Medal, 1st **Oak** Leaf Cluster (**MSM** OLC). Again, **the** applicant is correct. However, the citation **was** filed in the **officer** selection record (OSR) 26 Jun 96. As a matter of note, **the** citation **has** still not been updated in the PDS. Evidence of a decoration **within** the OSR speaks **to** the decoration itself, not what the citation may or may not reveal. Even though **the** MSM OLC was not accounted for on the **OSB**, it was in evidence before the board. Therefore, the board members were knowledgeable the decoration was given which is the ultimate purpose of **including** decorations in the promotion selection process. Since the board members were aware of the decoration, it **was** factored into the promotion evaluation. We do not support promotion **reconsideration** on this issue.

f. **14 May 97 OPR**. The applicant contends **this** OPR was not received from SMC/MPF in time for the board. He states, "Consequently, promotion board had to obtain **fax** copy of **the** OPR **from** **AFMC**, which **was** a poor copy." We have reviewed **the** applicant's record and **inquired** as to when **the** **fax** copy of the 14 May 97 OPR arrived at HQ AFPC. We learned the copy arrived on 9 July 97—well in advance of the **board** convening date. **The** OPR **also** has a **date** stamp of 21 Jul 97 stamped on **the** front which indicates to **us** that **this** document was, indeed, considered by the board. **As** to the clarity of the copy—while it is a fax copy, there is no text on this document that is illegible. There is no basis for reconsideration on this issue.

Summary. Based on the evidence provided, **we** recommend **denial**.



Chief, Appeals and SSB Branch
Directorate of Pers Program Mgt