

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-00685

SEP 15 1998

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His Officer Performance Report (OPR), rendered for the period 17 April 1994 through 16 April 1995, be declared void and removed from his records.

APPLICANT CONTENDS THAT:

The contested report does not accurately reflect his performance.

In support of his request, applicant submits copies of his AFI 36-2401 applications, with statements from the rater of the contested report and the rater from a previous EPR, and additional documents associated with the issues cited in his contentions (Exhibit A).

STATEMENT OF FACTS:

On 11 September 1978, the applicant was appointed a second lieutenant, Reserve of the Air Force, and was voluntarily ordered to extended active duty. He was integrated into the Regular Air Force on 14 September 1982 and has been progressively promoted to the grade of lieutenant colonel, effective and with a date of rank of 1 September 1994.

Applicant's OPR profile, commencing with the report closing 16 April 1993, follows:

<u>Period Ending</u>	<u>Evaluation</u>
16 Apr 93	Meets Standards (MS)
* 16 Apr 94	MS
16 Apr 95	MS
16 Apr 96	MS
16 Apr 97	MS

* Contested OPR (Exhibit B).

Two similar appeals by the applicant, under Air Force Instruction (AFI) 36-2401, were considered and denied by the Evaluation Report Appeal Board (ERAB) on 11 June 1997 and 29 October 1997.

AIR FORCE EVALUATION:

The Directorate of Personnel Program Management, .HQ AFPC/DPPP, reviewed this application and recommended denial. DPPP stated that the letter from the rater supports removal of the contested OPR - it does not support replacing the report with a reaccomplished version. The rater's letter does not substantiate the report, as written, is invalid. The letter from the rater of applicant's previous (16 April 1994) OPR attests to the applicant's performance during that rating period; however, he was not charged with the responsibility of assessing the applicant's duty performance during the contested period. DPPP noted that the reaccomplished report contains concurrence, a statement, and a signature of the individual who was temporarily appointed as wing commander in the absence of the wing commander while he was on temporary duty. While this individual has provided comments and his signature for the reaccomplished report, he has not provided a statement of support on the applicant's behalf. DPPP indicated that the applicant has not substantiated the contested report was not rendered in good faith by all evaluators based on knowledge available at the time. A complete copy of this evaluation is appended at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the advisory opinion and indicated that he amends his initial request to have the OPR reaccomplished and signed by Lieutenant General B---. His request is to have the OPR removed. He believes there is enough inconsistency between the OPR written by Brigadier General K--- and the Meritorious Service Medal (MSM) signed by Brigadier General K--- to put the OPR in question (Exhibit E).

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 or injustice. After reviewing the evidence presented, we are persuaded that the applicant may not have been fairly evaluated by the additional rater/reviewer at the time the report was rendered. In this respect, we took note of the statements from the applicant's rater of the contested report and his former rater, who indicated

that the report was an inaccurate assessment of the applicant's duty performance. They unequivocally stated that the applicant did an outstanding job and that the contested report does not accurately reflect his overall performance as the 354th Services Squadron Commander. Additionally, we believe that the awards the applicant received, while the commander of the 354^h Services Squadron, substantiate the statements of support. In view of the foregoing, we believe any doubt concerning the fairness and accuracy of the contested report should be resolved in favor of the applicant. Accordingly, we recommend that the contested report be declared void and removed from the applicant's records.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that the Field Grade Officer Performance Report (OPR), AF Form 707A, rendered for the period 17 April 1994 through 16 April 1995, be declared void and removed from his records.

The following members of the Board considered this application in Executive Session on 21 July 1998, under the provisions of AFI 36-2603:

Mr. David W. Mulgrew, Panel Chair
Mr. Joseph G. Diamond, Member
Mr. Terry A. Yonkers, Member

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

- Exhibit A. DD Form 149, dated 26 Feb 98, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, HQ AFPC/DPPP, dated 19 Mar 98.
- Exhibit D. Letter, SAF/MIBR, dated 30 Mar 98.
- Exhibit E. Letter from applicant, undated.



DAVID W. MULGREW
Panel Chair



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

SEP 15 1998

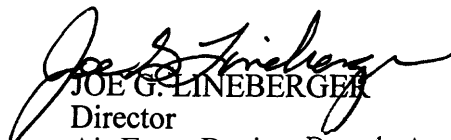
Office of the Assistant Secretary

AFBCMR 98-00685

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 Field Grade Officer Performance Report (OPR), AF Form 707A, rendered for the period 17 April 1994 through 16 April 1995, be, and hereby is, declared void and removed from his records.


JOE G. LINEBERGER
Director
Air Force Review Boards Agency