



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

DEC 08 1998

Office of the Assistant Secretary

AFBCMR 98-00716

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:

- a. The Enlisted Performance Report, AF Form 910, rendered for the period 22 October 1990 through 21 October 1991, be, and hereby is, declared void and removed from his records.
- b. He was promoted to the grade of master sergeant, effective and with a date of rank of 1 March 1993, rather than 1 September 1994.

It is further directed that he be provided supplemental consideration for promotion to the grade of senior master sergeant for all appropriate cycles beginning with cycle 95E8, and the results forwarded to the Air Force Board for Correction of Military Records at the earliest practicable date so that all necessary and appropriate actions may be completed.

If AFPC discovers any adverse factors during or subsequent to supplemental consideration that are separate and apart, and unrelated to the issues involved in this application, that would have rendered the individual ineligible for the promotion, such information will be documented and presented to the board for a final determination on the individual's qualification for the promotion.


JOE G. LINEBERGER
Director
Air Force Review Boards Agency

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

DEC 08 1998

IN THE MATTER OF:

DOCKET NUMBER: 98-00716

COUNSEL: None

HEARING DESIRED: No

APPLICANT REQUESTS THAT:

1. The Enlisted Performance Report (EPR) rendered for the period 22 October 1990 through 21 October 1991 be declared void and removed from his records.
2. He be given supplemental promotion consideration to the grade of master sergeant for the 93A7 promotion cycle.

APPLICANT CONTENDS THAT:

The report is not an accurate assessment of his performance. The evaluators did not have first-hand knowledge of his performance and accomplishments.

In support of the appeal, applicant submits statements from the rater and indorser, who support his request, and from the commander, who does not. Also provided are copies of his AFI 36-2401 appeals and supporting statements from individuals outside his rating chain. *[Applicant also includes a reaccomplished report covering the same period; however, it is unclear whether or not he wants it to replace the contested report.]*

Applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

Applicant was selected to the grade of master sergeant in cycle 95A7, effective and with a date of rank of 1 September 1994. He currently has a projected retirement date of 1 November 1998. He would reach high year of tenure (HYT) for his grade on 1 October 2002 unless he is promoted to senior master sergeant.

The applicant's similar appeal under the provisions of AFI 36-2401 was considered and denied by the Evaluation Reports Appeal Board (ERAB) on 18 April 1996. He had originally appealed the contested report in February 1994; however, it was returned without action due to lack of clear support.

The contested EPR has an overall rating of "4" and four of the seven performance factors are in the second highest category. The overall rating of the reaccomplished EPR included in this appeal has been upgraded to a "5" and all the performance factors are now in the highest category. However, signature in Section VII, Commander's Review, of the reaccomplished EPR is from a different individual than the one who signed the contested report.

APR/EPR profile since 1988 reflects the following:

PERIOD ENDING	OVERALL EVALUATION
21 Oct 88	9
21 Oct 89	9
21 Oct 90	4 (New System)
*21 Oct 91	4
16 Jun 92	5
16 Jun 93	5
16 Jun 94	5
16 Jun 95	5
16 Jun 96	5
16 Jun 97	5

* Contested report.

AIR FORCE EVALUATION:

The Chief, Inquiries/AFBCMR Section, HQ AFPC/DPPPWB, reviewed this application and states that should the Board void the contested report in its entirety or upgrade the overall rating, providing the applicant is otherwise eligible, he will be entitled to supplemental promotion consideration to the grade of master sergeant commencing with cycle 93A7 (promotions effective Aug 92-Jul 93) and he would become a selectee during this cycle pending a favorable data verification and the commander's recommendation.

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

The Chief, BCRM & SSB Section, HQ AFPC/DPPPAB, reviewed this application and outlines her rationale for denying this request. The author believes the appeal is a direct result of applicant's nonselection for promotion to master sergeant in the 93A7 cycle. There is nothing in this case that was not discoverable [by the rating chain] at the time the contested report was rendered. Further, the reviewer does not in any way support the applicant's contention that the report was inaccurate. If the EPR was unjust (and the author does not believe it is), why did the applicant not address the report before it became a matter of record? Applicant provides no supporting documentation validating his contention that he received no performance feedback. Regardless, lack of feedback does not invalidate any subsequent EPR. —

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Complete copies of the Air Force evaluations were forwarded to applicant on 13 April 1998 for review and response within 30 days. 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. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. The applicant provided a reaccomplished EPR; however, based on his stated request on the DD Form 149 and the fact that the reaccomplished EPR contains a different individual's signature in Section VII, we believe voiding, rather than replacing, the contested report is the appropriate action. Although the Commander does not support the applicant's appeal, the rater and indorser believe the EPR in question was not an accurate evaluation of the applicant's performance. We are persuaded by their statements and therefore recommend that, in order to offset any possibility of an injustice, the contested evaluation be voided from the applicant's records. Since AFPC/DPPPWB advised this would result in the applicant's being selected for master sergeant by cycle 93A7, rather than 95A7, we also recommend his effective date and date of rank to master sergeant be changed to 1 March 1993, and he be given supplemental promotion consideration to the grade of senior master sergeant beginning with cycle 95E8.
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THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that:

- a. The Enlisted Performance Report, AF Form 910, rendered for the period 22 October 1990 through 21 October 1991, be declared void and removed from his records.

b. He was promoted to the grade of master sergeant, effective and with a date of rank of 1 March 1993, rather than 1 September 1994.

It is further recommended that he be provided supplemental consideration for promotion to the grade of senior master sergeant for all appropriate cycles beginning with cycle 9538, and the results forwarded to the Air Force Board for Correction of Military Records at the earliest practicable date so that all necessary and appropriate actions may be completed.

If AFPC discovers any adverse factors during or subsequent to supplemental consideration that are separate and apart, and unrelated to the issues involved in this application, that would have rendered the individual ineligible for the promotion, such information will be documented and presented to the board for a final determination on the individual's qualification for the promotion.

The following members of the Board considered this application in Executive Session on 22 October 1998, under the provisions of AFI 36-2603:

Ms. Martha Maust, Panel Chair
Mr. Kenneth L. Reinertson, Member
Mr. William M. Edwards, Member

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

- Exhibit A. DD Form 149, dated 6 Mar 98, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, HQ AFPC/DPPPWB, dated 23 Mar 98.
- Exhibit D. Letter, HQ AFPC/DPPPAB, dated 31 Mar 98.
- Exhibit E. Letter, AFBCMR, dated 13 Apr 98.


MARTHA MAUST
Panel Chair