

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS **AUG 19 1998**

IN THE MATTER OF:

DOCKET NUMBER: 98-00777

COUNSEL: NONE

HEARING DESIRED: NO

[REDACTED]

Applicant requests that his Enlisted Performance Report (EPR) rendered for the period 1 Apr 94 through 8 Sep 95 be declared void and removed from his records. Applicant's submission is at Exhibit A.

The appropriate Air Force offices evaluated applicant's request and provided advisory opinions to the Board recommending the application be denied (Exhibit C). The advisory opinions were forwarded to the applicant for review and response (Exhibit D). Applicant's response to the advisory opinions is at Exhibit E.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinions appear to be based on the evidence of record and have not been adequately rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Mr. Douglas J. Heady, Mr. Joseph G. Diamond, and Mr. Henry Romo, Jr. considered this application on 11 Aug 98 in accordance with the provisions of Air Force Instruction 36-2603 and the governing statute, 10 U.S.C. 1552.

*Douglas J. Heady*

DOUGLAS J. HEADY  
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records .
- C. Advisory Opinions
- D. SAF/MIBR Ltr Forwarding Advisory Opinions
- E. Applicant's Response



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 8 Sep 95.

Basis for Request. The applicant contends his rater did not have a sufficient number of days of supervision to render an evaluation report. The applicant, a cross-trainee, believes he was not recommended for senior rater indorsement by his commander since he had only been in the career field a short time.

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 (ERAB), 11 Feb 98. A copy of the ERAB package is included with the applicant's appeal.

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 and a copy of the ERAB appeal package.

d. Air Force policy is 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. To effectively challenge an EPR, it is important to hear from all the evaluators on the contested report--not only for support, but for clarification/explanation. We do not find any evidentiary support from any of the evaluators of the 8 Sep 95 EPR. As pointed out in the ERAB's denial letter (11 Feb 98), AFI 36-2401, paragraph 2.1.5, has provisions for contacting individuals in the rating chain to obtain supporting statements. In the absence of information from evaluators, official substantiation of error or injustice from the Inspector General (IG) or

9800777

Social Actions is appropriate, but not provided in this case. It appears the contested report was accomplished in direct accordance with Air Force policy in effect at the time it was rendered.

e. Although the applicant was away from his home station on temporary duty (TDY) some 200 plus days (he was on station approximately 208 days), he has failed to substantiate his claim the rater supervised him for less than **120** days. The **26** days he was on leave during the reporting period is irrelevant to this appeal since only periods of **TDY** or leave of 30 consecutive days or more are deducted from the total number days supervision (AFI **36-2403**, paragraph **4.3.9.2**). The copy of the performance feedback worksheet (PFW) he provided does not prove when the rater was appointed, only the day **the** product was generated. In order to substantiate when the rater was appointed, he must provide a valid source document from either his Military Personnel Flight (MPF) or Commander's Support Staff (CSS), such as **an** AF Form 2096. Additionally, letters from the evaluators supporting his claim would certainly lend more credibility to his contentions.

f. Although not specifically addressed, the applicant implies the contested EPR is inconsistent with his previous and subsequent performance reports because he did not receive his senior rater's indorsement. 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 other periods of performance.

**g.** The burden of proof is on the applicant. He has not substantiated the contested report was not rendered in good faith by all evaluators based on knowledge available at the time. We understand the applicant's **is** concerned because he did not receive his senior rater's indorsement on the contested performance report. However, applicant's **desire** to have the contested EPR removed because of the perceived promotion advantage is unwarranted. The fact remains there were sufficient days of supervision during the reporting period to validate the report.

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

  
JOYCE E. HOGAN  
JOYCE E. HOGAN

Chief, BCMR and **SSB** Section  
**Dir** of Personnel Program Mgt