

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

SEP 16 1998

IN THE MATTER OF:

DOCKET NUMBER: 98-00813

COUNSEL: NONE

HEARING DESIRED: YES

APPLICANT REQUESTS THAT:

The Enlisted Performance Report (EPR) rendered for the period 6 April 1994 through 5 April 1995 be declared void and removed from his records.

APPLICANT CONTENDS THAT:

The contested APR is unwarranted and unjustified.

He states that his rater did not obtain input from others; that senior management showed reprisal against him and directed the rater to downgrade the report from a "5" rating to a "4" rating; that the close-out date of the report should be 5 January 1995; that he was not given any indication that his performance was not outstanding; and, that the report is inconsistent with his previous and subsequent duty performance.

Applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

The applicant is currently serving in the Regular Air Force in the grade of staff sergeant.

The applicant filed an appeal under AFI 36-2401, Correcting Officer and Enlisted Evaluation Reports, which was denied by the Evaluation Reports Appeal Board (ERAB).

EPR profile since 1992 reflects the following:

<u>PERIOD ENDING</u>	<u>EVALUATION OF POTENTIAL</u>
5 April 1992	5
5 April 1993	5
5 April 1994	5
*5 April 1995	4
5 April 1997	5

* Contested report.

AIR FORCE EVALUATION:

The Acting Chief, BCMR and SSB Section, AFPC/DPPPAB, reviewed this application and indicates that a review of the documents provided does not reveal a violation of regulatory provisions or indicate an injustice has occurred. It appears this appeal is simply an effort to remove an "undesirable" report. They understand the applicant's desire to have the report removed because of the promotion advantage. However, they strongly recommend applicant's request be denied.

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

The Chief, Inquiries/AFBCMR Section, AFPC/DPPPAB, also reviewed this application and indicated that if the contested report is removed, applicant will be entitled to supplemental promotion consideration to technical sergeant beginning with cycle 96E6.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Applicant reviewed the evaluations and has provided comments to each paragraph of the evaluation concerning the removal of the contested report.

In addition, he states that he is aware of the importance of having as many letters as possible from individuals with first hand knowledge of any facts and circumstances relating to his appeal. It's just very hard to get these people who have this critical knowledge to offer their support in situations such as this, especially when they have reason to feel reprisal because these individuals are still assigned to that unit and are under that same management. He has spoken to a few people still assigned to that unit who told him in fact they know he was treated unfair and unjust. These individuals also stated that supervision and management still continues to display favoritism and preferential treatment towards certain individuals. These individuals inclined not to voice their opinions because of their fear of reprisal by the unit's leadership.

Applicant states that all he is asking is for all of the circumstances relating to his case be thoroughly investigated. He hopes he could be granted a hearing in order for him to be able to better present his case. It's only right for every individual to be rated solely on their performance and abilities.

Applicant's complete response, with attachments, is attached at Exhibit F.

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. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinion and recommendation of the Air Force and adopt their rationale as the basis for the conclusion that the applicant has not been the victim of an error or injustice. Therefore, in the absence of evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application.
 4. The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issue(s) involved. Therefore, the request for a hearing is not favorably considered.
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THE BOARD DETERMINES THAT:

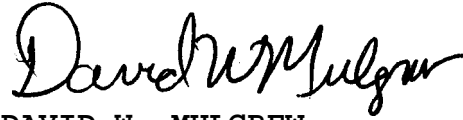
The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence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

The following members of the Board considered this application in Executive Session on 27 August 1998, under the provisions of AFI 36-2603:

Mr. David W. Mulgrew, Panel Chair
Mr. Jackson A. Hauslein, Member
Mr. Terry A. Yonkers, Member
Ms. Phyllis L. Spence, Examiner (without vote)

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 25 Mar 98, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPPAB, dated 1 May 98.
- Exhibit D. Letter, AFPC/DPPPWB, dated 21 Apr 98.
- Exhibit E. Letter, AFBCMR, dated 11 May 98.
- Exhibit F. Applicant's Response, undated, w/atchs.



DAVID W. MULGREW
Panel Chair