



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

JUN 30 1998

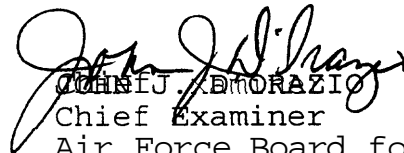
Office of the Assistant Secretary

AFBCMR 98-000860

MEMORANDUM FOR THE CHIEF OF STAFF

Under the authority of Section 1552, Title 10, United States Code and Air Force Instruction 36-2603, and having assured compliance with the provisions of the above regulation, the decision of the Air Force Board for Correction of Military Records is announced, and it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED] be corrected to show that he was promoted to the grade of master sergeant, effective and with a date of rank of 1 August 1996, rather than 1 August 1997.

  
JOHN J. BORAZIO

Chief Examiner  
Air Force Board for Correction  
of Military Records



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

JUN 30 1998

Office of the Assistant Secretary

AFBCMR 98-000860

MEMORANDUM OF CONSIDERATION OF APPLICATION BEFORE THE AFBCMR

SUBJECT: [REDACTED]

Having carefully reviewed this application, we agree with the recommendation of the Air Force office of primary responsibility and adopt the rationale expressed as the basis for our decision that the applicant has been the victim of either an error or an injustice. Therefore, under the authority delegated in AFI 36-2603, the applicant's records will be corrected as set forth in the accompanying Memorandum for the Chief of Staff signed by the Executive Director of the Board or his designee.

*Pat J. Zair*  
Panel Chair

Attachments:

1. Ltr, HQ AFPC/DPPPWE, dtd May 4, 1998
2. Ltr HQ AFPC/DPPPWB, dtd May 5, 1998
3. Ltr, HQ AFPC/JA, dtd May 20, 1998, w/Atch



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

MEMORANDUM FOR SAF/MIBR

4 May, 1998


FROM: HQ AFPC/DPPPWE  
 550 C St West Ste 10  
 Randolph AFB TX 78150-4712

SUBJECT: Application for [redacted] of Military Records [redacted]

We have reviewed [redacted] application and recommend approval of his request for an adjustment to his date of rank to 1 Aug 96.

As [redacted] in the [redacted] ation [redacted], who was [redacted] for promotion to MSgt during cycle 96E7 was [redacted] of [redacted] on 1 96E7 Promotion Fitn Examination (PFE) by a [redacted] court [redacted] tial. Had [redacted] cheated on his 96E7 PFE, we believe [redacted] would not ave [redacted] en selected . promotion. [redacted] we eli [redacted] total score (given his [redacted] al P [redacted] average of 68.45) would have been [redacted] er tl [redacted] total score. Consequently, we [redacted] [redacted] would have been selected for promotion at the time initial st [redacted] wer [redacted] 1

Please call myself or Mr Ken Schwartz at DSN 487-2265 if you have any questions or need additional information.

  
 ROBERT W. RUSH, MSgt, USAF  
 Superintendent, Test Management Section

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

5 MAY 1998

MEMORANDUM FOR AFPC/JA  
AFBCMR  
IN TURN

FROM: HQ AFPC/DPPPWB  
550 C Street West, Ste 09  
Randolph AFB TX 78150-4711

SUBJECT: Application for Correction of Military Records [REDACTED]

Requested Action. The applicant is requesting promotion to MSgt effective 1 Aug 96 with all back pay and allowances from that date..

Reason for Request. The applicant believes that another individual who competed with him in promotion Air Force Specialty Code (AFSC) 5J0X1 for the 96E7 cycle, cheated on the Promotion Fitness Examination (PFE). He claims that if this had not occurred he would have been promoted to MSgt on 1 Aug 96.

Facts. The applicant was considered for the 96E7 promotion cycle to MSgt (promotions effective Aug 96 - Jul 97) and was not selected. There were 22 selectees when promotions were made on 25 May 96 and he was the number one nonselectee of 90 nonselectees. His total score was 343.78 and the score required for selection in his AFSC was 344.29. The applicant was selected for promotion to MSgt the next cycle, 97E7, and assumed the grade 1 Aug 97.

Discussion.

a. Based on substantiated facts it has been confirmed that one of the individuals who was selected for promotion to MSgt in the applicant's promotion AFSC cheated on the Promotion Fitness Examination (PFE). This individual had a promotion test score of 74.19 the previous cycle, but had a score of 97.93 for the 96E7 cycle, the cycle in question. Had this unfortunate incident not occurred, the applicant may have been selected instead.

b. Adjustments may be made after the fact when it is determined that an individual who was selected was ineligible for promotion consideration at the time. This normally occurs when personnel actions that render someone ineligible, do not have time to process to the promotion file by the time selections are made. Under these circumstances, adjustments may be made to promote the number one nonselectee when appropriate. However, there are no provisions, based on current promotion policy, for the applicant to be promoted administratively. Although it has been confirmed the other individual cheated on the promotion test (and probably would not have been selected), at the time promotion selections were made on 25 May 96, he was a valid

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selectee. Consequently, we are unable to take the promotion he received and award it to the applicant. If the applicant had been selected during this cycle, he would have received Promotion Sequence Number (PSN) 301.9 which would have been effective and with a date of rank of 1 Aug 96.

Recommendation. We defer to the decision of the Board but would not object to the promotion of the applicant.

  
TONY R. MERRITT  
Chief Inquiries/AFBCMR Section  
Airman Promotion Branch

cc:  
SAF/MIBR

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

20 May 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/JA (Maj Reed)  
550 C Street West Ste 44  
Randolph AFB TX 78150-4746

SUBJECT: Application for Correction of Military Records / [REDACTED]

Applicant requests that his promotion to master sergeant (MSgt), E-7, be effective 1 Aug 96, with back pay and allowances. Applicant tested for promotion in Air Force Specialty Code (AFSC) 5J0x1, paralegal career field, for the 96E7 promotion cycle. Applicant was the number one nonselect in his AFSC. Former [REDACTED] also tested in applicant's AFSC as part of 96E7 promotion cycle and was selected for promotion to E-7. TSgt Bush has been tried and convicted by court-martial for cheating on the Promotion Fitness Examination (PFE) portion of his WAPS (Weighted Airman Promotion System) test. Had the cheating been discovered prior to release of the promotion results, in our opinion, [REDACTED] would have been promoted.

The mere fact that an airman selected for promotion has been removed from the promotion list for misconduct or for some other reason is not in itself an error justifying a decision to promote the number one nonselect. However, in cases where the reason for removing a selected airman from the promotion list involves an issue relating to the removed airman's eligibility to have ever been on the promotion list, it may be an injustice not to promote the number one nonselect.

In this case, we believe an injustice has occurred and recommend that applicant be granted the relief sought.

  
WILLARD K. LOCKWOOD  
Senior Attorney-Advisor

[REDACTED]

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