RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

OCT 27 1998

IN THE MATTER OF:

DOCKET NO: 98-00943

COUNSEL: None

HEARING DESIRED: No

Applicant requests his date of rank be changed from 20 March 1998 to 1 August 1997. Applicant's submission is at Exhibit A.

The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit C). The advisory opinion was forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

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 opinion appear to be based on the evidence of record and have not been 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. Vaughn E. Schlunz, Mr. Richard A. Peterson, and Mr. Patrick R. Wheeler considered this application on 29 September 1998 in accordance with the provisions of Air Force Instruction 36-2603 and the governing statute, 10 U.S.C. 1552.

Panel Chair

Exhibits:

A. Applicant's DD Form 149
B. Microfiche Personnel Records
C. Advisory Opinion
D. AFBCMR Ltr Forwarding Advisory Opinion

7 MAY 1398

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPPO

SUBJECT: Application for Correction of Military Record ▓▓▓▓▓▓▓▓▓

Requested Action. Applicant requests date of rank (DOR) change from 20 Mar 98 to 1 Aug 97.

Discussion,

a. Application is timely. Applicant entered effective active duty on 27 Jul 97 with a DOR of 10 May 91. Applicant was considered and selected by the CY97 Major Medical Corps Central Selection Board on 5 Nov 97. In accordance with AFI 36-2501, *Officer Promotions and Selective Continuation,* para *A2.4,* "Promote those (medical corps) selected the first time considered on the sixth anniversary of their CGDOR, or on Senate confirmation of the promotion, whichever is later." Since applicant's sixth year anniversary from his DOR to captain had passed, applicant was given the date the list was confirmed by the Senate.

b. Applicant bases his request for changing his DOR on a "missed promotion board." The applicant entered active duty on 27 Jul 97. The applicant was scheduled for the next promotion board, 5 Nov 97. *An* officer cannot be promoted on a board if that officer was not on active duty when the board convened. In order for the officer to have a date of rank of 1 Aug 97, he would have had to meet the CY96 promotion board which convened on 12 Nov 96.

Recommendation and Summary. Denial. NO delay occurred in the promotion of the applicant. His DOR to captain was calculated correctly as 10 May 91. Applicant entered extended active duty on 27 Jul 97. Applicant was scheduled for the next promotion board on 5 Nov 97. Applicant was selected on the 5 Nov 97 for promotion to major. The 5 Nov 97 promotion list was confirmed by the Senate on 20 Mar 98. Since applicant's sixth year anniversary had passed, applicant was given the earliest possible date of rank or the date the Senate confirmed the list he was recommended for promotion. We have no recommendation if the Board's decision is to grant relief over our objections. POC: ▓▓▓▓▓▓▓▓▓

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Chief, Officer Promotion and Appointment Branch
Directorate of Personnel Program Management

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