RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2007-03258

 INDEX CODE: 131.00

 XXXXXXXXXXXXX COUNSEL: NONE

 HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His record, to include the Meritorious Service Medal, Third Oak Leaf Cluster (MSM w/3OLC), be considered for promotion to the grade of colonel by a Special Selection Board (SSB) for the Calendar Year 2007A (CY07A) (9 April 2007) (PO607A) Colonel Central Selection board (CSB).

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APPLICANT CONTENDS THAT:

An MSM covering three years of his service, to include his successful squadron commander tour, was processed late and narrowly missed being part of his “as met” record for the CY07A Colonel CSB. This omission created a critical gap in his recognition history, and likely affected his non-selection for promotion to the grade of colonel.

His squadron commander tour was curtailed after the first year by a wing reorganization and the deactivation of his squadron. His MSM recognition for this tour was deferred by wing policy which left the gap in his recognition for this tour. This lack of recognition, coupled with his one vice two-year command tour, could easily have led the promotion board to conclude his command tour was other than successful as there was no rationale in his record to explain the gap. When several senior officers reviewed his record after the board, their number one observation was that the biggest detractor in his record was the lack of an MSM for his command tour.

His leadership also recognized this as a detractor, so to give the board a complete picture of his outstanding accomplishments as a squadron commander and the 3AF/A6, his supervisor directed him to submit inputs for a Permanent Change of Assignment (PCA) MSM in time to meet the CSB. 3AF/CCE has acknowledged they did not properly process his MSM and were at fault for this MSM not being in his record.

He took several aggressive actions to ensure his record was complete prior to the board convening date, and would have taken the same aggressive action to ensure his MSM was in his record had he been aware it was missing.

In support of his appeal, he has provided copies of HQ 3AF SO GA-021, dated 25 April 2007, awarding him the MSM w/3OLC; his MSM w/3OLC; a May 2005 e-mail trail addressing the 435th ABW policy of not submitting short PCA decorations for those affected by the 435th ABW reorganization; a 3AF/CS statement of intention for the MSM w/3OLC to be a matter of record before the CSB convening date; a 3AF/CCE statement addressing MSM processing problems; an April 2007 e-mail trail submitting MSM inputs and 3AF/CSE acknowledgment of receipt; an April 2007 e-mail trail showing actions taken to ensure his short closeout Officer Performance Report met the CSB; and calendar records showing pre-board records verification appointments.

Applicant’s complete submission, with attachments, is at Exhibit A.

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STATEMENT OF FACTS:

The applicant has one non-selection for promotion to the grade of colonel by the CY07A (9 April 2007) (PO607A) Colonel CSB. He was awarded an MSM w/3OLC by HQ 3AF, SO GA-021, dated 25 April 2007, for the period 20 May 2004 to 15 July 2007, and this was not included in his Officer Selection Record (OSR) when the CSB convened on 9 April 2007.

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AIR FORCE EVALUATION:

AFPC/DPSOO recommends denial of the request for SSB consideration with inclusion of the MSM w/3OLC. The absence of this decoration is not an error since it was not required to be part of his OSR prior to the CY07A (PO607A) Colonel CSB, which convened on 9 April 2007.

The MSM w/3OLC was processed within the guidelines of Air Force Instruction 36-2803, paragraph 3.1. These guidelines state that decoration recommendations are entered “into official channels within 2 years and awarded within 3 years of the act, achievement, or service performed.” Furthermore, in accordance with published guidance, the decoration award authority announces its final decision when approving an award by publishing special orders. These special orders serve as the source document for updating the decoration in the Military Personnel Data System. Since the order for this decoration was published on 25 April 2007, the citation could not have been filed in his OSR or be reflected in any of the personnel data systems when the board convened on 9 April 2007.

Should the Board decide to grant the relief sought, they recommend the Board adjust the date of the special orders and the “GIVEN UNDER MY HAND” date on the citation to a date prior to the 9 April 2007 convening of the CY07A (PO607A) Colonel CSB. They then recommend that the citation be filed in his OSR and annotated on his OSB for the CY07A (P0607A) Colonel CSB.

The AFPC/DPSOO evaluation, with attachments, is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant provided a DÉCOR 6, dated 20 March 2007, as additional evidence that his leadership intended the MSM w/3OLC to be a matter of record prior to the convening of the PO607A Colonel CSB. It also reinforces a 3AF/CCE statement that his MSM w/3OLC was not a matter of record in time for the CSB due to internal 3AF processing problems, not lack of intent. The missing information on this DÉCOR 6 is another example of problems processing his MSM w/3OLC, and he did not become aware of these problems until after the PO607A CSB concluded. He also provided statements from his former vice commander and SAF/SCD-2 which describe consistent and deliberate intent and actions by his leadership to position him and his record for promotion.

The applicant’s complete responses, with attachments, are at Exhibit E and Exhibit F.

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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 to warrant the applicant’s consideration for promotion to the grade of colonel by an SSB for the CY07A (PO607A) Colonel CSB. After thoroughly reviewing the complete case file, we note the CY07A (PO607A) Colonel CSB considered him for promotion without his MSM w/3OLC citation being included in his OSR. The applicant provides strong command support documentation demonstrating that his chain of command fully intended for the MSM w/3OLC to be a matter of record before the CSB convened; however, it was not a matter of record due to a series of administrative errors and delays caused, in part, by internal 3AF processing problems, not a lack of intent by his leadership. While we cannot determine what impact the absence of the MSM w./3OLC had on the outcome of the CSB, we are persuaded that it may have deprived him of full and fair consideration. In view of the above, we recommend that

his records be corrected to the extent indicated below.

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THE BOARD RECOMMENDSTHAT:

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

1. Headquarters Third Air Force Special Order GA-021, dated 25 April 2007, as pertains to the applicant, be amended to reflect a date of order of 8 April 2007, rather than 25 April 2007, and the inclusive dates, as pertains to the applicant, be amended to reflect 20 May 2004 to 8 April 2007, rather than 20 May 2004 to 15 July 2007.
2. The citation to accompany the award of the Meritorious Service Medal, Third Oak Leaf Cluster, be amended to reflect inclusive dates of 20 May 2004 to 8 April 2007, rather than 20 May 2004 to 15 July 2007, the Given Under My Hand date be amended to reflect a date of 8 April 2007, rather than 30 April 2007, and was accepted for file in his Officer Selection Record on 8 April 2007.
3. His records, to include the Meritorious Service Medal with Third Oak Leaf Cluster, awarded for the period 20 May 2004 to 8 April 2007, be considered for promotion to the grade of colonel by a Special Selection Board for the Calendar Year 2007A (PO607A) Colonel Central Selection Board.

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The following members of the Board considered Docket Number BC-2007-03258 in Executive Session on 17 January 2008, under the provisions of AFI 36-2603:

 Mr. Michael K. Gallogly, Panel Chair

 Mr. Anthony P. Reardon, Member

 Ms. Janet I. Hassan, Member

The following documentary evidence was considered:

 Exhibit A. DD Form 149, dated 26 Sep 07, w/atchs.

 Exhibit B. Copy of Applicant's OSB (PO607A).

 Exhibit C. Letter, AFPC/DPSOO, dated 16 Nov 07, w/atchs.

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 Exhibit D. Letter, SAF/MRBR, dated 7 Dec 07.

 Exhibit E. Letter, Applicant, dated 21 Dec 07, w/atchs.

 Exhibit F. Letter, Applicant, dated 31 Dec 07, w/atch.

 MICHAEL K. GALLOGLY

 Panel Chair

AFBCMR BC-2007-03258

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 XXXXXXXXXXXXXXXXXXXXX, be corrected to show that:

 a. Headquarters Third Air Force Special Order GA-021, dated 25 April 2007, as pertains to the applicant, be, and hereby is, amended to reflect a date of order of 8 April 2007, rather than 25 April 2007, and the inclusive dates, as pertains to the applicant, be, and hereby are, amended to reflect 20 May 2004 to 8 April 2007, rather than 20 May 2004 to 15 July 2007.

 b. The citation to accompany the award of the Meritorious Service Medal, Third Oak Leaf Cluster, be, and hereby is, amended to reflect inclusive dates of 20 May 2004 to 8 April 2007, rather than 20 May 2004 to 15 July 2007, the Given Under My Hand date be, and hereby is, amended to reflect a date of 8 April 2007, rather than 30 April 2007, and was accepted for file in his Officer Selection Record on 8 April 2007.

 It is further directed that his records, to include the Meritorious Service Medal with Third Oak Leaf Cluster, awarded for the period 20 May 2004 to 8 April 2007, be considered for promotion to the grade of colonel by a Special Selection Board for the Calendar Year 2007A (PO607A) Colonel Central Selection Board.

 JOE G. LINEBERGER

 Director

 Air Force Review Boards Agency