RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2008-03842

INDEX CODE: 131.03, 131.05

XXXXXXXXXXXXXXXXXX COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His original date of rank (DOR) to captain of 26 June 2008 be honored.

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APPLICANT CONTENDS THAT:

He was mistakenly left off of the Captain Promotion List when it was forwarded to the Secretary of the Air Force for approval. Air Reserve Personnel Center (ARPC) is aware of this, but is unable to grant his correct DOR of 26 June 2008 based on the date they accessed him.

He was involuntarily separated from the Regular Air Force on 29 September 2007 under Force Shaping and was immediately placed in the Individual Ready Reserve (IRR) Section of the Air Force Reserve (AFR). ARPC did not have any tracking or data pertaining to him until on or after 23 June 2008, and by then it was too late to put him on the Captain Promotion List in order for him to be promoted on his correct DOR of 26 June 2008. The best that ARPC can do for him after next year’s Special Selection Board (SSB) is to assign him a DOR of 1 October 2008.

Promotion to captain is automatic, occurring after four years of continuous service. He has completed all of the requirements to be promoted and has not received any negative feedback that would preclude him from being promoted on time.

In support of his appeal, the applicant provides copies of his *Virtual MPF Promotion Information,* dated 3 October 2008, which shows his DOR as a second lieutenant of 26 June 2004 and his DOR as a first lieutenant of 26 June 2006; his upgrade paperwork to prove he has done all that he is required to do in order to be promoted to captain; a witness statement from his previous supervisor; and *Company Grade Officer Performance Reports* (OPR) closing 15 August 2005, 20 March 2006, and 20 March 2007.

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

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STATEMENT OF FACTS:

The applicant’s DOR as a second lieutenant is 26 June 2004. At the time of his separation from the Regular Air Force on 29 September 2007, he was serving as a Maintenance Flight Commander in the grade of first lieutenant, with a DOR of 26 June 2006. The applicant was accessed by the AFR on 30 September 2007.

Applicant’s Officer Performance Report (OPR) profile follows:

PERIOD ENDING EVALUATION

15 Aug 2005 Meets Standards

20 Mar 2006 Meets Standards

20 Mar 2007 Meets Standards

Air Force Instruction (AFI) 36-2504, *Officer Promotion, Continuation, and Selective Early Removal in the Reserve of the Air Force*, Table 2.1, states that for AFR mandatory consideration for In-the-Primary-Zone (IPZ) promotion to the grade of captain, a member must have 2 years time-in-grade as a first lieutenant. Table 5.2, Rule 6, states that if an officer is selected for promotion Above-the-Primary-Zone (APZ), the DOR will be 1 October of the Fiscal Year (FY) of the promotion board.

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AIR FORCE EVALUATION:

Although the applicant may have further recourse through active duty officer promotion channels, ARPC/DPB recommends denial of his request as he was not an AFR asset when the Fiscal Year 2008 (FY08) AFR Captain Promotion board adjourned.

The applicant separated from active duty on 29 September 2007 and jointed the AFR on 30 September 2007. His name was not submitted with the active duty promotion list prior to his separation; therefore, he was not selected for promotion and did not have a DOR to be honored.

The FY08 AFR Captain Promotion process (V0308A) closed on 1 May 2007 (considered as board adjournment) and the results were publically released on 13 September 2007. The applicant was not an AFR asset on board adjournment and therefore could not be considered or nominated for AFR promotion to captain.

The applicant will be promoted to the grade of captain; however, there is no guarantee of when that promotion will occur. He is currently on the FY09 (second half) Captain Promotion Process (V0309B). When approved, the earliest possible DOR will be 1 April 2009. He has also been approved to meet an SSB that will convene on 9 March 2009. The SSB is in lieu of the FY09 (first half) Captain Promotion Process (V0309A) that closed on 1 April 2008. If selected by the SSB, his DOR will be 1 October 2008, which is the earliest Reserve of the Air Force date awarded in accordance with AFI 36-2504, Table 5.2, Rule 6.

The ARPC/DPB evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A complete copy of the evaluation was forwarded to the applicant on 21 November 2008, for review and comment, within 30 days. However, as of this date, no response has been received by this office.

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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.  Insufficient relevant evidence has been presented to demonstrate the existence of 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 office of primary responsibility and adopt its rationale as the basis for our 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.

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THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of 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.

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The following members of the Board considered Docket Number BC-2008-03842 in Executive Session on 11 February 2009, under the provisions of AFI 36-2603:

Mr. Michael J. Novel, Panel Chair

Ms. Debra M. Czajkowski, Member

Mr. Anthony P. Reardon, Member

The following documentary evidence was considered in BC-2008-03842:

Exhibit A. DD Form 149, dated 15 Oct 08, w/atchs.

Exhibit B. Letter, ARPC/DPB, dated 6 Nov 08.

Exhibit C. Letter, SAF/MRBR, dated 21 Nov 08.

MICHAEL J. NOVEL

Panel Chair