RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2009-02104

INDEX CODE: 131.00

XXXXXXXXXXXXX COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His record, to include the Air Force Commendation Medal (AFCM), awarded for the period 1 Nov 05 to 30 Nov 08, be considered by a Special Selection Board (SSB) for the Calendar Year 2008C (CY08C) Major Central Selection Board (CSB).

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APPLICANT CONTENDS THAT:

An administrative error within his squadron prevented his AFCM from being completed in the normal time frame. He was not made aware of the status of this decoration and was unable to correct the omission of it in time for its inclusion in his Officer Selection Record (OSR) prior to the convening of the CY08C board. The absence of this decoration from his OSR directly contributed to his non-selection for promotion.

In support of his request, the applicant provides a copy of the aforementioned AFCM and a memorandum from his commander explaining the late submission.

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

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STATEMENT OF FACTS:

Information extracted from the Military Personnel Data System (MilPDS) indicates the applicant is currently serving on active duty in the grade of captain, with a date of rank (DOR) of 3 Mar 04. His Total Active Federal Military Service Date (TAFMSD) is 16 Dec 98, and his Total Active Federal Commissioned Service Date (TAFCSD) is 3 Mar 00.

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

PERIOD ENDING EVALUATION

15 May 03 Meets Standards

15 May 04 Meets Standards

15 May 05 Meets Standards

28 Feb 06 Meets Standards

15 Jan 07 Meets Standards

# 13 Jun 08 Meets Standards

# Top Report at the time he was considered and nonselected for promotion to the grade of major by the CY08C Major CSB.

On 12 Mar 09, the applicant’s commander recommended the applicant for award of the AFCM for the period 1 Nov 05 through 30 Nov 08, citing an administrative oversight as the reason the award was not submitted during the “normal time frame.” He was awarded the medal on 1 Jun 09.

The remaining relevant facts pertaining to this application are contained in the letter prepared by the appropriate office of the Air Force, which is attached at Exhibit C.

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AIR FORCE EVALUATION:

AFPC/DPSOO recommends denial indicating that in accordance with published guidance, the decoration award authority announces its final decision once the special order is assigned to the certificate. The AFCM was awarded to the applicant over six months after the CY08C CSB had convened. As such, the certificate could not have been filed in his OSR, nor reflected in any official personnel data system when the board convened on 2 Dec 08.

The complete HQ AFPC/DPSOO evaluation is at Exhibit C.

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APPLICANT’S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 17 Jul 09 for review and comment within 30 days. As of this date, no response has been received by this office (Exhibit D).

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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. The applicant's complete submission was thoroughly reviewed and his contentions were duly noted. However, we do not find the applicant’s assertions and the documentation presented in support of his appeal sufficiently persuasive to override the rationale provided by the Air Force office of primary responsibility (OPR). We note the CY08C CSB convened on 2 Dec 08 and the applicant was not awarded the AFCM until 1 Jun 09. Therefore, it was not required to be in his record when it was considered by board. Further, we are not persuaded by the evidence presented that there was an attempt by his superiors to ensure the decoration was approved and included in the applicant’s OSR prior to the convening of the CY08C CSB. Finally, the governing instruction allows the submission of a recommendation for a decoration up to two years following the act, achievement, or service performed. In view of the foregoing, and in the absence of sufficient evidence to the contrary, we adopt the OPR’s rationale and conclude that no compelling basis exists 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 AFBCMR Docket Number BC-2009-02104 in Executive Session on 1 Sep 09, under the provisions of AFI 36-2603:

Mr. Robert H. Altman, Panel Chair

Ms. Glenda H. Scheiner, Member

Mr. Joseph D. Yount, Member

The following documentary evidence was considered:

Exhibit A.  DD Form 149, dated 1 Jun 09, w/atchs.

Exhibit B.  Applicant's Master Personnel Records.

Exhibit C.  Letter, AFPC/DPSOO, dated 26 Jun 09, w/atch.

Exhibit D.  Letter, SAF/MRBR, dated 17 Jul 09.

ROBERT H. ALTMAN

Panel Chair