

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

XXXXXXXXXXXXXX

DOCKET NUMBER: BC-2010-00126

INDEX CODE: 131.00

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

He be granted Special Selection Board (SSB) consideration by the CY07B (27 Nov 07) (P0507B), CY08B (8 Sep 08) (P0508B), and CY09B (8 Jun 09) (P0509B) Lieutenant Colonel (Lt Col) Central Selection Board (CSBs) with inclusion of the Aerial Achievement Medal (AAM) citation in his Officer Selection Record (OSR).

APPLICANT CONTENDS THAT:

The Air Force Personnel Center (AFPC) data base includes the order for his basic AAM awarded on 9 May 01. The annotation includes "Best Available Document." The system does not include the citation to accompany the award, which describes actions during Operations SOUTHERN WATCH from 15 Jan 00 to 22 Feb 00.

In support of his request, the applicant submits copies of Special Order G0-016 and the AAM citation.

The applicant's complete submission, with attachments, is at Exhibit A.

STATEMENT OF FACTS:

Information extracted from the Military Personnel Data System (MilPDS) indicates the applicant is currently assigned as Executive Officer/T-38C PIT IP in the grade of major having assumed that grade effective and with a date of rank of 1 Sep 03. He has three nonselections to the grade of Lt Col.

The remaining relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the letter prepared by the appropriate office of the Air Force at Exhibit C.

AIR FORCE EVALUATION:

HQ AFPC/DPSOO recommends denial.

DPSOO states the Special Order (SO) awarding the applicant the AAM was filed in his record on 26 Sep 07. Air Force Instruction 36-2608, *Military Personnel Records System*, states that orders granting decorations may be filed and maintained when a like citation is not available. Therefore, the AAM SO filed in his OSR was sufficient for the board members to review and factor into the promotion selection process. Additionally, the AAM SO was reflected on the applicant's Officer Selection Briefs (OSBs) and thus reviewed by the boards. The citation was subsequently filed in his OSR on 26 Jan 10.

DPSOO states it is the officer's responsibility to ensure the accuracy of his OSR prior to each eligible promotion board and not after nonselection for promotion. DPSOO notes each officer eligible for promotion is advised of the entitlement to communicate with the board president any matter of record concerning their promotion consideration; therefore, the applicant could have written a letter to the board members explaining the absence of the AAM citation and listed his accomplishments. He did not elect to exercise this entitlement.

DPSOO opines the applicant has not demonstrated he exercised reasonable diligence in ensuring his record was correct prior to the convening of the board. In addition, the absence of the AAM citation is not a material error since the SO was filed in its place and the board members were able to consider it in the promotion selection process.

The complete DPSOO evaluation, with attachments, is at Exhibit B.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant states his actions to correct his record were timely. He opines the Air Force office of primary responsibility incorrectly infers his motive for requesting SSB is due to his nonselection. The SO was published on 9 May 01, but was never correctly filed with AFPC. The copy on file with AFPC was faxed to him on 11 Jan 06, over a year before his primary Lt Col board consideration.

He disagrees that a SO replaces the detailed text of a medal citation. He opines it is standard practice for the decoration citation to accompany the Promotion Recommendation File and orders are simply placeholders of the fact that some event garnered recognition. He feels if SOs were the normal method to convey accomplishments, every Promotion Recommendation File would include only the SO and bases his argument on the fact that AFPC

removed the SO in question and replaced it with the award citation in the records database.

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 contentions are duly noted; however, other than his own assertions, we have seen no evidence by the applicant that would lead us to believe that he was not properly considered for promotion during the time in question or that his OSR reviewed by the CY07B, CY08B, and CY09B Lieutenant Colonel Central Selection Boards was in error. Although the applicant argues it is standard practice for the decoration citation to be included in the OSR, we note that policy states the SO may be used when the decoration citation is not available. The applicant has not provided evidence which would lead us to believe his record was inaccurate when considered by the selection board in question or that he was not afforded the same opportunity given to others in similar situations. Therefore, we agree with the opinion and recommendation of the Air Force office of primary responsibility and adopt its rationale as the basis for our decision to deny the applicant's request for SSB consideration.

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.

The following members of the Board considered this application in Executive Session on 19 Oct 10, under the provisions of AFI 36-2603:

- , Panel Chair
- , Member
- , Member

The following documentary evidence was considered in AFBCMR BC-2010-00126:

- Exhibit A. DD Form 149, dated 6 Jan 10, w/atchs.
- Exhibit B. Letter, HQ AFPC/DPSOO dated 17 Feb 10.
- Exhibit C. Letter, SAF/MRBR, dated 19 Mar 10.
- Exhibit D. Letter, Applicant, dated 3 May 10, w/atchs.

Panel Chair