

THIRD ADDENDUM  
RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2002-01061-3  
COUNSEL: NONE  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

1. He be given a date of rank to coincide with the date he pinned on lieutenant colonel (Lt Col).
  2. His military career be made whole again as though the 1975 error in his record had not occurred.
  3. He be directly promoted to the grade of colonel.
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STATEMENT OF FACTS:

On 7 Nov 79, the Board considered and partially granted an application (BC-1979-02340) in which the applicant's records were corrected to show:

1. His Officer Effectiveness Reports (OERs) closing 31 Dec 75 and 30 Apr 76 were voided and removed from his records.
2. His non-selections to the temporary grade of Lt Col by the selection boards convening on 21 Aug 78 and 20 Aug 79 be set aside; that he be considered as a first-time eligible for promotion to the temporary grade of Lt Col by a supplemental selection board (SSB), and if selected, that he be given the date of rank (DOR) he would have received had he been selected by the 21 Aug 78 selection board.

After the applicant's records were corrected, he was retroactively promoted to the grade of Lt Col in June 1983 and he was given a DOR as though he was selected by his original selection board.

By application, dated 23 Mar 02, the applicant requested his records be corrected to reflect that he was continued on active duty until August 1991, which would have enabled him to obtain a 28-year Lt Col career; or that he was directly promoted to the grade of colonel and continued on active duty until August 1993, which would have given him a full 30-year career. On 17 Sep 03, the Board denied the applicant's request. For an accounting of

the facts and the rationale of the earlier Board decision, please see the record of proceedings at Exhibit I.

On 20 Feb 04, the applicant requested reconsideration (Exhibit J); however, on 27 Feb 04, he was advised that his evidence did not meet the criteria for reconsideration (Exhibit K).

On 29 Apr 04, the applicant appealed to the Secretary of the Air Force; however, the case was deferred to the AFBCMR. On 24 May 04, the applicant was again advised that his request did not meet the criteria for reconsideration (Exhibit L).

By letter, dated 6 Sep 05, the applicant requested reconsideration of his appeal (Exhibit M). However, on 27 Jun 06, the Board denied his request (Exhibit N).

By application, dated 12 Jan 08, the applicant requested that his military career be made whole as though the 1975 error in his record had not occurred (Exhibit O).

On 7 Jul 08, the applicant requested that his case be administratively closed (Exhibit P). On 19 Aug 08, the case was administratively closed (Exhibit Q).

By letter, received 22 Feb 10, the applicant requests for reconsideration and his appeal was reopened. In his current submission, the applicant contends his promotion to the grade of Lt Col and errors in his OSR caused an error that ended any future career progression.

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

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AIR FORCE EVALUATION:

HQ AFPC/DPPPO recommends denial and states the case should be dismissed as untimely.

DPPPO states it is not unusual for an officer to be promoted by an SSB with a retroactive date of rank that makes them immediately eligible for the next higher grade. In addition, there are instances where the AFBCMR grants time to build a competitive record. DPPPO further states, this is not something that is recommended in their advisories, but a type of relief that falls within the purview of the AFBCMR.

Further, effective 1 Jul 81, AF Form 705, *Lt Col Promotion Recommendation Reports*, were no longer submitted when OERs were prepared. Had the applicant remained on active duty, it is

possible that he would have built a competitive record for promotion and been promoted in post Calendar Year (CY) 1983 boards. However, he voluntarily retired on 1 Apr 84. There is no evidence to suggest the applicant would have been a selectee by the CY83 colonel board.

The complete DPPPO evaluation is at Exhibit R.

HQ AFPC/DPSIDEP recommends five of the applicant's OERs be corrected to reflect the rank of Lt Col.

The following OERs should have been corrected:

1. 30 Dec 78 through 29 Dec 79
2. 30 Dec 79 through 25 Jul 80
3. 26 Jul 80 through 16 Dec 80
4. 17 Dec 80 through 16 Dec 81
5. 17 Dec 81 through 28 Oct 82

The complete DPSIDEP evaluation is at Exhibit S.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

DPPPO ignores the facts and states there was no error. This contradicts their own advisory where they admit there are instances where the AFBCMR grants time for officers, in similar situations, to build a competitive record so they can fairly compete for promotion.

The documents provided all substantiate errors and injustices. The first error was in the 70's and created the second error which caused him to not have the opportunity to compete for promotion to the grade of colonel with Lt Col records.

Both DPPPO and DPSIDEP are wrong with regard to the AF Form 705. Since he was still a major at the time, he had no AF Forms 705 in his record. The five missing AF Forms 705 may have been the most important documents in his records ensuring promotion. His statement from the recorder of many promotion boards states the board members relied heavily on the AF Forms 705 in determining whom they recommended for promotion. The three OERs that required AF Forms 705 had three star general indorsements. The last five OERs in his Officer Selection Record (OSR) as seen by the FY83 Colonel Central Selection Board (CSB) are incorrect; however, he agrees with the suggested changes by AFPC. There are other equally important errors that still exist, i.e., job title, job description, assignment recommendations, social security number suffix indicating "Reserve" officer instead of "Regular" officer, the rater and indorser comments of "promote to Lt Col"

instead of "promote to colonel", the statement "augment into the Regular Air Force," since he would already be in the Regular Air Force as a Lt Col, and the addition of the missing AF Forms 705. The grade change alone would only weaken his records and be a setback in his effort to correct his record. Had the "time to build a competitive record" been addressed correctly by the Air Force office of primary responsibility in his earlier application, he would have had the option of continuing his career and building a competitive record as a new Lt Col. Making that recommendation is the responsibility of HQ AFPC and it should not have been left up to the AFBCMR to do HQ AFPC's work. HQ AFPC should accept responsibility and make that recommendation.

He was the top 17 percent of all major officers with four OERS in his OSR with three star general officer indorsements. One should conclude that he would have been very competitive with 50 percent of the eligible officers being promoted to colonel.

Proof of his intent to continue his career is the fact that he withdrew his approved retirement application when he was retroactively promoted by the SSB. Continuing active duty until the 28 or 30-year point would be a reasonable solution to correct the injustice. His chain of command and the senior personnel director provide facts fully supporting this application.

The applicant's complete response, with attachments, is at Exhibit T.

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THE BOARD CONCLUDES THAT:

We have thoroughly reviewed the evidence of record and considered the weight and relevance of the additional documentation provided by the applicant, and whether or not it was discoverable at the time of any previous application. However, since no new and relevant evidence has been provided by the applicant, we find the request does not meet the criteria for reconsideration. As the applicant has been previously advised, reconsideration is provided only where newly discovered relevant evidence is presented which was not available when the application was submitted. Further, the reiteration of facts we have previously addressed, uncorroborated personal observations, or additional arguments on the evidence of record are not adequate grounds for reopening a case.

Therefore, in view of the above and in the absence of new and relevant evidence, we find no basis to reconsider the applicant's request.

THE BOARD DETERMINES THAT:

The applicant be notified that the additional evidence presented did not meet the criteria for reconsideration by the Board; 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-2002-01061 in Executive Session on 19 Aug 11, under the provisions of AFI 36-2603:

, Panel Chair  
, Member  
, Member

The following documentary evidence was as considered:

- Exhibit N. Addendum(s) to Record of Proceedings, dated 29 Sep 03 and 17 Jul 06, w/exhibits.
- Exhibit O. DD Form 149, dated 12 Aug 08 w/atchs.
- Exhibit P. Letter, Applicant, dated 7 Jul 08.
- Exhibit Q. Letter, AFBCMR, dated 19 Aug 08.
- Exhibit R. Letter, AFPC/DPPPO, dated 12 May 08.
- Exhibit S. Letter, AFPC/DPSIDEP, dated 24 Apr 08.
- Exhibit T. Letter, Applicant, dated 5 Feb 10.
- Exhibit U. Letter, Applicant, dated 20 May 11.

Acting Panel Chair