RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2010-01631

INDEX CODE: 131.01

XXXXXXX COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

1.  His Officer Selection Brief (OSB) and/or official records, considered by the Calendar Year 2009D (CY09D) Lieutenant Colonel Central Selection Board (CSB), be corrected to reflect the following:

a.  His 31 Jul 08 duty history entry be changed to reflect “Chief Academic Advising, Executive Officer” as his duty title, instead of “Chief, Academic Advising, Personnel Officer.”

b.  His 31 Aug 05 duty history entry be changed to reflect “University of Denver” as his unit of assignment, instead of “USAFA.”

2.  His corrected record be considered by a Special Selection Board (SSB) for promotion to the grade of lieutenant colonel (O-5).

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APPLICANT CONTENDS THAT:

Despite his efforts to correct the pre-selection brief before the promotion board convened, his records were incorrect. As a result, the board members may have thought he was “homesteading” at the US Air Force Academy (USAFA) since 2002 and that he earned a Ph. D while at the USAFA when he was in fact assigned to the University of Denver. The incorrect duty title of “Chief Academic Advising, Personnel Officer” may have had less scoring weight than the correct title of “Chief Academic Advising, Executive Officer.” Lastly, an injustice occurred if his record was evaluated through an improper lens. The promotion board members did not fully appreciate the unique path his career has taken. The normative career path for a Biomedical Sciences Corp (BSC) officer clearly does not apply to his career path since 2002 and should not have been viewed as a negative deviation from the “one size fits all” path of a BSC officer when considering him for promotion.

In support of his request, the applicant provides an expanded statement with nine attachments, which include copies of extracts from his military personnel records, correspondence related to the contested promotion board, as well as documents describing the benefits of his Ph. D research to the USAFA.

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

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STATEMENT OF FACTS:

Information extracted from MilPDS indicates the applicant is currently serving on active duty in the grade of major (O-4), effective and with a date of rank of 1 Oct 04.

The applicant’s 31 Jul 08 duty history entry on his 2 Nov 09 OSB reflects his duty title as “Chief, Academic Advising, Personnel Officer.” His 31 Aug 05 duty history entry reflects “USAF Academy” as the location of his assignment while he was an Air Force Institute of Technology (AFIT) Ph. D Student.

The remaining relevant facts pertaining to this application are contained in the letters prepared by the appropriate offices of the Air Force, which are attached at Exhibits C and D.

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AIR FORCE EVALUATION:

AFPC/DPSOTED indicates the applicant did submit a duty history request on 5 Oct 09 to have his 31 Aug 05 entry changed to reflect the installation as “University of Denver.” However, there was no such request to change his 31 Jul 08 duty history entry to include “Executive Officer” in his current duty title. MilPDS still reflects “Chief, Academic Advising and Personnel Officer” as his duty title.

A complete copy of the AFPC/DPSOTED evaluation is at Exhibit C.

AFPC/DPSOO recommends approval of the applicant’s request to correct his 31 Aug 05 duty history entry to reflect his installation as “University of Denver” on his OSB, indicating he exercised due diligence to ensure his record was corrected prior to the convening of the board. Accordingly, they recommend his corrected record meet an SSB. However, they recommend denial of his request to change his 31 Jul 08 duty history entry on his OSB to reflect “Chief, Academic Advising, Executive Officer” as his duty title, indicating there is no evidence that he exercised due diligence to ensure his record was correct in this respect. He could have followed the written instructions provided to him months in advance of his board to affect the requested correction. He also had the option of submitting a letter to the board members prior to the board convening informing them of the correct entries on his OSB.

A complete copy of the AFPC/DPSOO evaluation is at Exhibit D.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant’s senior rater provides a statement in response to the Air Force evaluations supporting the applicant’s request for an SSB. She believes the applicant is ready for increased responsibilities of the lieutenant colonel rank and will make it absolutely clear that he is deserving of, and would have been awarded, a “Definitely Promote” recommendation if she had one to give.

A complete copy of the response is at 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 an error or injustice with respect to the applicant’s 31 Aug 05 duty history entry on his OSB. After a thorough review of the evidence of record and the applicant’s complete submission, we believe he exercised reasonable diligence to ensure his record was correct in this respect prior to the convening of the selection board in question. Nevertheless, his OSB contained erroneous information when he was considered for promotion by the CY09B Lieutenant Colonel CSB. Accordingly, we believe the OSB should be corrected to accurately reflect this aspect of his duty history. We have no way of knowing the impact the noted error may have had on his promotion opportunities; therefore, in order to afford him full and complete relief, his corrected record should be referred to an SSB. Notwithstanding the above, insufficient relevant evidence has been presented to demonstrate the existence of an error or injustice with respect to his remaining requests. With respect to the 31 Jul 08 duty history entry on his OSB, we note the comments from the Air Force offices of primary responsibility indicating he has not shown he exercised due diligence in ensuring this aspect of his duty history was correct. As for his contention the promotion board did not fully appreciate his unique career path; other than his own assertions, he has provided no evidence he was not afforded full and fair consideration by the CSB. Therefore, in the absence of evidence he did not have a reasonable opportunity to ensure his duty history was correct, or that he was somehow precluded from addressing his concerns regarding his unique career path prior to the board convening, we find no basis to recommend granting relief in this respect.

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THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show the Officer Selection Brief (OSB), prepared for consideration by the Calendar Year 2009D Lieutenant Colonel Central Selection Board (CSB), be amended in the “Assignment History” section by changing the 31 August 2005 duty history entry to reflect “University of Denver” as the organization and “Denver, CO” as the location.

It is further recommended that his corrected record, to include his corrected OSB, be considered for promotion to the grade of lieutenant colonel (O-5) by a Special Selection Board (SSB) for the Calendar Year 2009D Lieutenant Colonel CSB.

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The following members of the Board considered AFBCMR Docket Number BC-2010-01631 in Executive Session on 7 Dec 10, under the provisions of AFI 36-2603:

Ms. XXXXXXXXXX, Panel Chair

Mr. XXXXXXXXXX, Member

Ms. XXXXXXXXXX, Member

All members voted to correct the records as recommended. The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 19 Apr 10, w/atchs.

Exhibit B. Applicant's Master Personnel Records.

Exhibit C. Letter, AFPC/DPSOTED, dated 5 May 10.

Exhibit D. Letter, AFPC/DPSOO, dated 2 Jun 10, w/atchs.

Exhibit E. Letter, SAF/MRBR, dated 11 Jun 10.

Exhibit F. Letter, Senior Rater, dated 7 Jul 10.

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Panel Chair