

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00231
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

1. His record be corrected to include his Officer Performance Report (OPR) rendered for the period of 6 Jun 10 thru 5 Jun 11.
 2. He receive Special Selection Board (SSB) consideration by the CY11A Colonel (Col) Chaplain Central Selection Board (CSB).
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APPLICANT CONTENDS THAT:

His OPR closing out 5 Jun 11 was missing from his Officer Selection Record (OSR) which met the CY11A promotion board and caused him to be improperly considered and "did reasonably and materially affect the board's deliberations."

In support of his request, the applicant provides a copy of his OPR and letter of support from his commander.

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

STATEMENT OF FACTS:

The applicant is currently serving in the Regular Air Force in the grade of lieutenant colonel.

The applicant was considered and not selected for promotion to the grade of Col by the CY11A Col CSB, which convened on 6 Jun 11.

The applicant did file an appeal through the Evaluation Reports Appeals Board (ERAB) under the provisions of AFI 36-2401, *Correcting Officer and Enlisted Evaluation Reports*. However, on 25 Apr 12, DPSIDEP advised the applicant to seek an appeal through the AFBCMR, since his contested OPR was already on file in both his OSR and present in the Automated Records Management System (ARMS).

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.

AIR FORCE EVALUATION:

AFPC/DPSIDEP defers to AFPC/DPS00 for SSB consideration. DPSIDEP states that although the OPR closed out on 5 Jun 11, IAW AFI 36-2406, *Officer and Enlisted Evaluation Systems* the report was not required to be in the applicant's record until 60 days after the close-out date, or 5 Aug 11. The purpose of this suspense is to allow the rating chain and all processing agencies a reasonable amount of time to complete, sign and process a given report into the member's permanent evaluation record. The board convened on 6 Jun 11 and the report was not signed and finalized until 25 Jul 11, after the board convened.

There are other officers in similar situations where the closeout date is similar; however, unless the OPR is processed with all the required signatures, the OPR cannot be placed into the member's record. To allow the OPR to be considered for SSB consideration with signature dates on or after the CY11A Col Chaplain CSB convening date would allow the applicant a potential promotion selection advantage other officers are not afforded whose evaluations closed out in similar timeframes prior to the CSB convening.

The complete DPSIDEP evaluation is at Exhibit C.

AFPC/DPS00 recommends denial of the applicant's requests to include the 5 Jun 11 OPR in his CY11A OSR and be granted SSB consideration. DPS00 states eligible officers meeting a CSB have the option to submit a letter to the board president addressing any matter of record concerning themselves that they believe is important to their consideration for promotion. As such, the applicant could have written a letter to the board members informing them of the accomplishments mentioned in the report. DPS00 has verified the applicant did not elect to take these steps.

The complete DPS00 evaluation is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 30 May 12 for review and comment within 30 days (Exhibit E). As of this date, this office has not received a response.

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 an error or injustice. After thoroughly reviewing the evidence of record, we are not persuaded the applicant's record should be corrected to show that his OPR rendered for the period 6 June 10 thru 5 Jun 11 was accepted for file prior to the convening of the CY11A CSB.. We note the letter of support from the applicant's chain of command stating it was their intent for the OPR to be considered by the (CSB). As pointed out by DPSIDEP, changing the record as requested would allow the applicant a potential promotion selection advantage not afforded to others similarly situated. Regarding his request for Special Selection Board (SSB) consideration, since the report was not required to be filed in the applicant's record until 60 days after the close out date or 5 August 11, there exists no basis for SSB consideration.. Based on this determination, there is no basis to grant the applicant's request for promotion consideration by SSB. Therefore, we agree with the opinions and recommendations of the Air Force offices of primary responsibility and adopt their rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice. In view of the above and absent persuasive evidence to the contrary, we find no basis to recommend granting the relief sought in this application.

THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of an 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 BC-2012-00231 in Executive Session on 18 Jul 12 under the provisions of AFI 36-2603:

Panel Chair

Member

Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 17 Jan 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Record.
- Exhibit C. Letter, AFPC/DPSIDEP, dated 25 Apr 12.
- Exhibit D. Letter, AFPC/DPSOO, dated 15 May 12.
- Exhibit E. Letter, SAF/MRBR, dated 30 May 12.

Panel Chair