

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00525
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His corrected Officer Performance Report (OPR) rendered for the period 28 October 2008 thorough 27 October 2009 be reconsidered for supplemental promotion consideration by the Calendar Year 2010A (CY10A) Lieutenant Colonel (Lt Col) Line of the Air Force (LAF) and the CY11A Lt Col LAF Central Selection Boards (CSBs).

APPLICANT CONTENDS THAT:

His OPR closing 27 October 2009 contained an inappropriate school recommendation - Intermediate Developmental Education (IDE) rather than Senior Developmental Education (SDE), and may have negatively influenced his opportunity for promotion to the higher grade while being considered at both the CY10A Lt Col LAF and CY11A Lt Col LAF CSBs. He believes the push for IDE in the contested report may have been interpreted as regression because his previous OPR included a recommendation for SDE.

In support of his appeal, the applicant provides a copy of the proposed corrected OPR for the period 28 October 2008 through 27 October 2009. (**Approved by the ERAB**)

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

STATEMENT OF FACTS:

The applicant is currently serving in the Regular Air Force in the grade of major (O-4). He has two nonselections to the grade of lieutenant colonel (Lt Col) (O-5) by the CY10A and CY11A Lt Col LAF CSBs.

The applicant filed an appeal through the Evaluation Reports Appeal Board (ERAB) and his request to substitute the above referenced OPR with the correct school recommendation (SDE) was approved. Due to the ERAB decision, AFPC/DPSOO granted Special Selection Board (SSB) consideration for the CY11A Lt Col LAF CSB

with the inclusion of the corrected OPR in his Officer Selection Record (OSR).

AIR FORCE EVALUATION:

AFPC/DPSIDEP defers to AFPC/DPSOO. DPSIDEP states that since the applicant's contested OPR was approved by the ERAB for substitution with the correct Developmental Education (DE) push, is already on file in the applicant's Officer Selection Record (OSR), and is present in the Automated Records Management System (ARMS), they have no action at this time.

DPSIDEP indicates that although the approved substitute OPR in the applicant's record closed out on 27 October 2009, it was not finalized with all digital signatures recorded until 6 January 2011, and wasn't approved by the ERAB until 27 April 2011. Both dates were after the convening date of the CY10A Lt Col LAF CSB. Therefore, the applicant is ineligible for supplemental consideration of the CY10A Lt Col LAF CSB due to the signature dates being on or after the convening date of that particular board. However, this ineligible condition does not apply to potential SSB consideration for the CY11A Lt Col LAF CSB due to the signature dates on the OPR in question being prior to that respective CSB. To allow the OPR to be considered for SSB with signature dates on or after the CY10A Lt Col LAF 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 a convening CSB. In the event the AFBCMR determines any changes should be made to the evaluation report to make it eligible for the CY10A SSB, the only recourse of action on the electronic (digitally signed) version of the evaluation report, is to have the entire report reaccomplished in "wet signatures" (printed and physically signed).

The complete DPSIDEP evaluation is at Exhibit C.

AFPC/DPSOO recommends approval of SSB consideration with the inclusion of the corrected 2 October 2009 OPR in the applicant's CY10A OSR. However, the signature dates on the report need to be changed to a date after the closeout date of 27 October 2009 and a date prior to the convening date (8 March 2010) of the CY10A Lt Col LAF CSB. They concur with DPSIDEP's recommendation that if any changes are required to make the 27 October 2009 OPR eligible for consideration, that the report be reaccomplished in "wet signature."

The complete DPSOO 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 2012 for review and response within 30 days (Exhibits E). As of this date, this office has received no 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. Sufficient relevant evidence has been presented to demonstrate the existence of an error or injustice. While the applicant and his rating chain should have caught the inappropriate school recommendation prior to his records meeting the CY10A Lt Col LAF CSB, the fact remains that the report was in error and created a possible injustice when it was used by that board. We note the report was subsequently corrected but wasn't electronically signed until 6 January 2011 and approved by the ERAB until 27 April 2011, thus making it ineligible to be used for consideration by an SSB for the CY10a Lt Col LAF CSB. While the applicant did receive SSB consideration by the CY11 Lt Col LAF CSB, we believe the missed opportunity to use the corrected report for SSB consideration at the CY10A Lt Col LAF CSB has created an injustice. Therefore, we agree with the AFPC/DPSOO recommendation that the applicant is entitled to SSB consideration by the CY10A Lt Col LAF CSB in order to correct the possibility of an injustice; however, the report must be reaccomplished in "wet signature" with appropriate signature dates in order for it to be considered by that board. Accordingly, we recommend the applicant's record be corrected as indicated below.
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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 that:

- a. The Officer Performance Report rendered for the period 28 October 2008 through 27 October 2009 be reaccomplished in "wet signature" with the signature dates being after the OPR closeout date of 27 October 2009 and prior to the CY10A Lt Col CSB date of 8 March 2010.

b. The corrected record be considered for promotion to the grade of lieutenant colonel by an SSB for the CY10A Lt Col CSB.

The following members of the Board considered AFBCMR Docket Number BC-2012-00525 in Executive Session on 21 August 2012, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

All members voted to correct the records, as recommended. The following documentary evidence for AFBCMR Docket Number BC-2012-00525 was considered:

- Exhibit A. DD Forms 149, dtd 7 May 10, with atchs.
- Exhibit B. Letter, AFPC/DPAMN, dtd 17 Jun 10, w/atchs.
- Exhibit C. Letter, AFPC/DPSOO, dtd 19 Aug 10, w/atchs.
- Exhibit D. Letter, SAF/MRBR, dated 10 Sep 10.

Panel Chair