

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00566

COUNSEL: NONE

HEARING DESIRED: YES

APPLICANT REQUESTS THAT:

His promotion to the rank of Airman, (E-2) be retroactive to 1 July 2011.

APPLICANT CONTENDS THAT:

On 23 December 2010, he accepted an Article 15 punishment which included a reduction in rank. He completed the punishment in June 2011. He was not placed on a control roster and should have been eligible for promotion on 1 July 2011. The promotion eligibility code was incorrectly entered in the personnel database which delayed his eligibility by six months. The Selection Board superintendent at ARPC reviewed his record and concurred that his unfavorable information file (UIF), promotion eligibility and reenlistment eligibility codes should have been updated on 22 June 2011 to reflect completion of the punishment. This did not occur until December 2011.

In support of his request, the applicant submits copies of an AF Form 3070A, *Record of Nonjudicial Punishment Proceedings (AB thru TSgt)*, and a HQ ARPC/DPBB email.

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

STATEMENT OF FACTS:

The applicant is currently serving in the Air Force Reserves in the grade of Airman, (E-2). His date of rank (DOR) and effective date of promotion is 1 December 2011.

On 23 December 2010, the applicant received an Article 15 for violation of Article 92, Dereliction of Duty. His punishment consisted of; reduction in grade to the rank of Airman Basic, (E-1) with new date of rank of 23 December 2010, forfeiture of \$400.00 pay per month for 2 months, suspended through 22 June 2011 after which time it would be remitted without

further action, unless sooner vacated, restriction to the limits of the local Air Base for 20 days, 20 days extra duty, suspended through 22 June 2011, after which time it would be remitted without further action, unless sooner vacated and a reprimand.

AIR FORCE EVALUATION:

AFRC/A1K recommends approval. A1K states correct the applicant's promotion history to reflect the date of rank and promotion eligibility date (PED) of 23 June 2011 to the grade of Airman, E-2 and correct the applicant's grade history in the Military Personnel Data System (MilPDS) to reflect the requested DOR and PED. Upon completing the Article 15 punishment action, the applicant became eligible for promotion the following day to the rank of Airman, (E-2). Subsequently, upon completion of six months Time in Grade (TIG) as an E-1 along with the approval by the promotion authority, the applicant would have been eligible for promotion to the grade of E-2, on 23 June 2011. Based on documentation, (AF Form 3070A), provided, the request to adjust the applicant's promotion eligibility date (PED) and Date of Rank (DOR) meets the basic requirements for correction of his promotion history to 23 June 2011 versus 1 July 2011, his requested date.

The complete AFRC/A1K evaluation is at Exhibit B

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

On 11 May 2012, a copy of the Air Force evaluation was forwarded to the applicant for review and comment within 30 days (Exhibit C). To 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. Sufficient relevant evidence has been presented to demonstrate the existence of error or injustice warranting a measure of relief. In this respect, AFRC/A1K indicates that in accordance with Reserve policy, the applicant became eligible for promotion to the rank of Airman, (E-2) on 23 June 2011. Consequently, based on Reserve policy and on documentation, (AF Form 3070A), provided, the request to adjust the applicant's

promotion eligibility date (PED) and Date of Rank (DOR) meets the basic requirements for correction of his promotion history to 23 June 2011. Therefore, the applicant's record should be corrected as indicated below.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that:

a. He was promoted to the grade of airman (E-2), with an effective date of rank (DOR) and promotion effective date (PED) of 23 June 2011.

b. If AFRC discovers any adverse factors that are separate and apart, and unrelated to the issues involved in this application, that would have rendered the applicant ineligible for promotion, such information will be documented and presented to the Board for the final determination on the individual's qualifications for promotions.

The following members of the Board considered this application BC-2012-00566 in Executive Session on 16 October 2012, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 6 February 2012, w/atchs.
- Exhibit B. Letter, AFRC/A1K, dated 12 April 2012.
- Exhibit C. Letter, SAF/MRBR, dated 11 May 2012.

Panel Chair