

The applicant is currently serving as a Regular Air Force commissioned officer in the grade of Major (O-4) with an effective date of rank of 01 January 2002. His Total Active Federal Military Service Date (TAFMSD) and Total Federal Commissioned Service Date (TFCSO) are 15 June 1991.

AIR FORCE EVALUATION:

AFPC/DPSID determined there is no action required by their office. DPSID states the applicant's contested training report (TR) was signed by the evaluator on 5 January 2000 and has been a matter of record in the Automated Records Management System (ARMS) and the Officer Selection Record (OSR) since its filing date which was prior to the convening date of the applicable Central Selection Board (CSB) the applicant is contesting.

Regarding the applicant's contention that the Distinguished Graduate accomplishment was not recorded on any subsequent OPR, AFI 36-2406, *Officer and Enlisted Evaluation Systems*, paragraph 3.7.6., clearly states to not include comments regarding events which occurred in a previous reporting period, unless the events add significantly to the evaluation report and were not known to and considered by the previous evaluators and were not previously reflected in a prior evaluation report. In this case the TR, which closed out prior to any OPRs at issue, did comment on the DG award, therefore, per AF guidance, any mention of this award on any subsequent OPR is inappropriate and prohibited.

The complete DPSID evaluation is at Exhibit C.

AFPC/PB recommends denial. PB states the training report in question closing on 23 June 1999 and dated 5 January 2000 was placed in the applicant's OSR on 14 January 2000 and was seen by the board.

The complete PB evaluation, with attachments, is at Exhibit D.

AFPC/DPSOO recommends denial. DPSOO states the applicant has eight non-selections to the grade of Lieutenant Colonel by the CY05A (6 Jul 05), CY06A (13 Mar 06), CY06C (28 Nov 06), CY07B (27 Nov 07), CY08B (8 Sep 08), CY09B (8 Jun 09), CY10A (8 Mar 10), and CY11A (7 Mar 11) Lieutenant Colonel Central Selection Boards (CSBs).

DPSOO further states that based on AFPC/DPSID and AFPC/PB's advisories the applicant's training report was committed to ARMS in January 2000, and was physically filed in the applicant's OSR on 14 January 2000, well in advance of his 6 July 2005, promotion board.

The complete DPSOO evaluation is at Exhibit E.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant responded by reiterating his previous contention that if the training report was placed in his OSR it was not visible to him or his commander. Additionally, if the document was accessible to them, or even if appropriate notifications were made, the DG award would have been documented in his OPR which closed out on 5 April 2000 and would also have been documented on his promotion recommendation form (PRF) which was sent to the board. The applicant further states a DG award is the most important delineating piece of information a board can have to influence its decision, and is so important; it would normally be placed on the first line of these reports. The fact that it does not appear at all is an injustice and unfairly placed him at a significant disadvantage when the board reviewed his records.

The applicant's complete response, with attachments, is at Exhibit G.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.
3. Insufficient relevant evidence has been presented to demonstrate the existence of an error or an injustice warranting overturn of the applicant's nonselection to lieutenant colonel by the CY5A Lt Col Central Selection Board. The applicant argues that the training report was not visible to him or his commander after a thorough review of his records in July 2010. We note the OPR states the TR has been on file in the applicant's record since 12 January 2000, some five years prior to the promotion board in question. In our view, a preponderance of the evidence supports that the contested TR was in fact filed in the applicant's record. Even if we accepted the applicant's argument that the TR was not in fact filed in his record, when considering the time between the accomplishment of the TR and the applicant's alleged date of discovery, we can only conclude that the applicant failed to exercise due diligence in insuring his records were complete before they were considered by the promotion board. Therefore, in the absence of evidence to the contrary, we find no basis to grant the applicant's request.

THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of material 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 this application BC-2012-00810 in Executive Session on 20 September 2012, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 24 February 2012, w/atchs.
- Exhibit B. Applicants Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSID, dated 25 April 2012.
- Exhibit D. Letter, AFPC/PB, dated 10 May 2012, w/atchs.
- Exhibit E. Letter, AFPC/DPSOO, dated 11 June 2012.
- Exhibit F. Letter, SAF/MRBR, dated 27 June 2012.
- Exhibit G. Letter, APPLICANT, dated 25 July 2012, w/atchs.

Panel Chair