

Air Force Instruction (AFI) 36-2406, *Officer and Enlisted Evaluation Systems*, Table 2.1, Rule 2, Note 1, states the rater must conduct the initial feedback session within the first 60 days he or she *initially* begins supervision. In addition, Chapter 2, paragraph 2.10. states while documented feedback sessions are required, they do not replace informal day-to-day feedback. A rater's failure to conduct a required or requested feedback session, or document the session on a performance feedback worksheet (PFW), will not, of itself, invalidate any subsequent performance report or (for officers) PRF.

AFI 36-2401, *Correcting Officer and Enlisted Reports*, paragraph A1.5.8 states only members in the rating chain can confirm if counseling was provided. While current Air Force policy requires performance feedback for personnel, a direct correlation between information provided during feedback sessions and the assessments on evaluation reports does not necessarily exist. For example, if after a positive feedback session, an evaluator discovers serious problems, he or she must record the problems in the evaluation report even when it disagrees with the previous feedback. There may be occasions when feedback was not provided during a reporting period. Lack of counseling or feedback, by itself, is not sufficient to challenge the accuracy or justness of a report. Evaluators must confirm they did not provide counseling or feedback, and that this directly resulted in an unfair evaluation. You must also supply specific information about the unfair evaluation so the Board can make a reasoned judgment on the appeal. Finally, every airman knows the existing standards for indebtedness, weight, fitness, etc. Lack of counseling in these areas provides no valid basis for voiding a report.

AIR FORCE EVALUATION:

AFPC/DPSID recommends denial noting there is no evidence the contested report was unjust or inaccurate. The applicant did file an appeal with the Evaluation Reports Appeal Board (ERAB). The ERAB reviewed the application and was not convinced the contested report was inaccurate or unjust. Furthermore, it is the ratee's responsibility to notify the rater and, if necessary, the rater's rater, when required or requested feedback did not take place. The applicant has not provided evidence, or stated that he made any attempt to ensure he received his required feedback. Moreover, while Air Force policy requires formal feedback be documented, a direct correlation between information provided during the feedback session and the assessments on an evaluation report does not necessarily exist. For example, if after a positive feedback session, an evaluator discovers serious problems, the evaluator must record the problem in the evaluation report even when it disagrees with the previous feedback. Additionally, a formal feedback does not negate any day-to-day

interaction that may include any type of formal feedback/counseling, whether verbal or in writing. Furthermore, the lack of counseling or feedback, by itself, is not sufficient justification to challenge the accuracy or justness of a report. Evaluators must confirm that they did not provide counseling or feedback, and that this directly resulted in an unfair evaluation.

The applicant also alleged the feedback date on the contested EPR was a date from the prior reporting period. The previous EPR closed out on 4 Apr 08, and the feedback date on the contested ERP was 5 May 08, a month after the close out date of the previous report, and therefore represents the date the rater provided the initial feedback. In addition, to effectively challenge an EPR, it is imperative to hear from all the members of the rating chain--not only for support, but also for clarification and explanation. The applicant has not provided any information or documented support from his rating chain. In the absence of information from evaluators, official substantiation of an error or an injustice from the Inspector General (IG) or Military Equal Opportunity is appropriate, but has not been provided with his case.

An evaluation report is considered to represent the rating chain's best judgment at the time it is rendered. Furthermore, once a report is accepted for file, only strong evidence to the contrary warrants correction or removal from an individual's record. The burden of proof is on the applicant and he has not provided any evidence to show the contested report was unjust or inaccurate

The complete AFPC/DPSID evaluation is at Exhibit C.

AFPC/DPSOE defers to the recommendation of AFPC/DPSID. DPSOE notes the applicant was considered and not selected for promotion by the 10E7 and 11E7 promotion cycles. However, even if the Board voids the contested report, supplemental promotion consideration would not be necessary for past cycles as the applicant would remain a nonselect. The applicant was considered and selected for promotion to master sergeant (MSgt) during the 12E7 promotion cycle.

The complete AFPC/DPSOE evaluation is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 4 Jun 12, for review and comment within 30 days. As of this date, no response has been received by this office.

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 an injustice. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinion and the recommendation of the APC/DPSID and adopt their rationale as the basis for our decision that the applicant has failed to sustain his burden of proof of the existence of an error or injustice. Applicant's contentions are duly noted, however, we are not persuaded by the evidence provided to recommend removal of the performance report in question. In the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.
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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 AFBCMR Docket Number BC-2012-00827 in Executive Session on 28 Sep 12, under the provisions of AFI 36-2603:

Chair
Member
Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-00827 was considered:

- Exhibit A. DD Form 149, dated 24 Feb 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSID, dated 26 Apr 12.
- Exhibit D. Letter, AFPC/DPSOE, dated 22 May 12.
- Exhibit E. Letter, SAF/MRBR, dated 4 Jun 12.

Chair