

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01082  
COUNSEL: NONE  
HEARING DESIRED: YES

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APPLICANT REQUESTS THAT:

She be granted Special Board (SB) consideration for promotion to the grade of major by the Calendar Year 2012 (CY12) Major Line and Non-Line Position Vacancy (PV) Promotion Selection Board.

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APPLICANT CONTENDS THAT:

She and her supervisor were informed on numerous occasions by the Air Reserve Personnel Center (ARPC) that her unit reserve coordinator (URC) would be allowed to submit her Promotion Recommendation Form (PRF) to the CY12A PV board up until the day the board met, which was 23-27 Jan 12. The error was not having her records meet this board, and the injustice is the emotional aspect with not meeting the board with her peers and year group.

The PRFs were due to ARPC/DPBPP on 9 Dec 11. The reason her PRF was submitted late was beyond her control due to a short notice vacancy that she was requested to fill to assist the Chairman, Joint Chiefs of Staff during the 2011 Holiday season.

In support of her request, the applicant provides copies of her PRF for the CY12A Board, a Personal Data SURF, a Sponsor Welcome email, Letters to AFRC explaining the late submission of her PRF, email correspondence from ARPC/DPBPP, her Joint Service Achievement Medal Certificate, a Timeline of Facts and Dates, and Officer Performance Reports (OPRs).

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

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STATEMENT OF FACTS:

Information extracted from the Military Personnel Data System (MilPDS) indicates that the applicant is currently serving in the Air Force Reserve in the grade of captain, having assumed that grade effective 20 Dec 06.

The remaining relevant facts pertaining to this application are contained in the letter prepared by the appropriate office of the

Air Force. Accordingly, there is no need to recite these facts in this Record of Proceedings.

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AIR FORCE EVALUATION:

ARPC/DPB recommends denial. DPB states, the applicant did not meet the requirement of occupying the nominated position on the PRF submission date, or before the board convened. While the late submission was beyond the applicant's control, she was still unable to meet the requirements for nomination to establish eligibility for promotion consideration. Consideration by a PV board is not an entitlement guaranteed under law. It is solely a nominative process with specific requirements that must be met prior to nomination and consideration by a board. All USAFR officers considered by a PV board must meet the requirements prior to submission of the nomination by their senior rater. Every officer considered by the CY12 PV board met all of the requirements. The promotion process could be considered inequitable if the applicant is afforded special consideration.

AFI 36-2504, *Officer Promotion, Continuation, and Selective Early Removal in the Reserve of the Air Force*, paragraph 2.7, details the requirements for nomination of an officer for PV consideration. Specifically, paragraph 2.7.2., requires that an officer occupy or be reassigned to the position for which nominated at the time of the PRF submission. The PRF must be received by ARPC/DPBPE not later than (NLT) 45 days prior to the convening of the promotion board per AFI 36-2406, *Officer and Enlisted Evaluation Systems*, paragraph 8.2.1.2. For the CY12 board, the PRF submission/suspense date was 9 Dec 11. ARPCM, 11-32, 2 Sep 11, announced the requirements and milestones for the Jan 12 Board. It specifically stated that PRFs nominating officers for PV promotion were due to ARPC on 9 Dec 11.

If a PRF nominating an officer is not received by the PRF suspense date, the organization wishing to nominate the officer can request from ARPC/DPB, supplemental consideration (via an SB) for the officer. The organization must send the PRF, a letter from the senior rater explaining the reasons for missing the PRF suspense date, specific information showing the officer occupied the position for which nominated, and that the position was funded for a year after the board convened. ARPC/DPB will evaluate the request for SB, and if the circumstances do not violate Air Force policies the officer can be offered SB consideration.

On 24 Jan 12, an email was received from the applicant which contained a PRF, a SURF showing she occupied the nominated position, and a letter from her senior rater explaining why the PRF was not submitted on time. The letter stated the applicant's new organization could not nominate her for PV because she was

still working for a different organization. It also stated she could not leave that assignment until Jan 12. After researching the applicant's situation it was determined she arrived at her new duty station on 6 Jan 12, and was assigned to the nominated position on 24 Jan 12, the day after the PV promotion board convened. Of note: A transaction occurred in MilPDS that appeared to backdate the date of assignment to the position to 1 Dec 11.

DPB cannot offer the applicant SB consideration, as she did not occupy the nominated billet on the PRF suspense date, and in fact, did not occupy the position until 24 Jan 12, which was after the promotion board convened.

The complete DPB evaluation, with attachment, is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The Memorandum to the AFBCMR is either a false official statement or the information provided to the Board is incorrect.

In reference to #3(b), the letter states the PRF submission was 9 Dec 11. Please note the email chain in which her supervisor received confirmation from ARPC that the PRF could be submitted to meet the board. As a result of the conversation with her supervisor and ARPC the PRF was submitted on 13 Jan 12, for the 23 Jan 12 PV board. In the same email, she raised the question to her supervisor that nothing on the ARPC website states the requirements for the PRF PV submission.

In reference to #3(c), everything listed in the paragraph was provided to ARPC/DPB in addition to a letter from the Chairman of the Joint Chiefs of Staff Protocol Office explaining the unusual circumstances as to why the PRF was submitted late.

In reference to #3(d), her AF IMT 1288, *Application for Ready Reserve Assignment*, clearly indicates she was in the position vacancy well before the board convened on 23 Jan 12, not the 24 Jan 12 date stated in the ARPC memorandum. She used the 6 Jan 12 date on her AF IMT 1288 because that is when all the paperwork was completed; it was not the actual date of her assigned duty. The official date of assigned duty was 1 Dec 11, which is indicated on her SURF and in MilPDS. This was corrected from the Det 11 Assignments after the error was identified.

In reference to #3(e), the AF IMT 1288 and SURF clearly indicate she was in the position vacancy before the board convened. She is on orders at ARPC and has been informed that the advisory writer has been removed from her duty position by the ARPC/DPB Administrative Assistant.

She was nominated for the PV promotion, her outgoing and incoming organization signed letters on her behalf describing the unusual circumstances, and the late submission was out of her control. However, the advisory states that she was not in the position before the board convened and this is NOT TRUE.

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

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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 and the applicant's complete submission, we do not find the evidence presented sufficiently persuasive to recommend Special Board consideration. While the applicant's disagreement with the Air Force advisory opinion is noted, the evidence of record does not support her contention that she occupied the billet on the PRF suspense date. She also has not provided any evidence that would warrant an exception to policy. Based on the current evidence, we cannot conclude that the applicant has been treated any differently than other officers similarly situated and we do not find it in the interest of justice to grant the requested relief. As such, we agree with the opinion and recommendation of the Air Force office of primary responsibility and adopt its rationale as the basis for our decision the applicant has failed to sustain her burden of establishing that she has suffered either an error or an injustice. In the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.
4. The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issue involved. Therefore, the request for a hearing is not favorably considered.

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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.

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The following members of the Board considered Docket Number BC-2012-01082 in Executive Session on 5 Nov 12, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence was considered:

Exhibit A. DD Forms 149, dated 2 Mar 12 & 12 Oct 12, w/atchs.  
Exhibit B. Letter, ARPC/DPB, dated 23 Apr 12, w/atch.  
Exhibit C. Letter, SAF/MRBR, dated 30 Apr 12.  
Exhibit D. Letter, Applicant, dated 6 Jul 12, w/atchs.

Panel Chair