

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01396
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

1. His AF Form 709, *Promotion Recommendation Form* (PRF), rendered for the P0409C Major Central Selection Board (CSB), be substituted with a reaccomplished PRF.
 2. His records, to include a reaccomplished PRF, be considered for promotion by a Special Selection Board (SSB) for the P0409C CSB.
-

APPLICANT CONTENDS THAT:

His Junior Company Grade Officer (CGO) Warrior of the Quarter award was unintentionally omitted by his senior rater (SR) while preparing his PRF for the P0409C Major CSB, and was not considered by the P0409C CSB.

In support of his request, the applicant provides copies of the contested and revised PRF, memoranda and other documentation in support of his application.

The revised PRF mentions his award in Section IV, line 3. He provided a letter of justification from his SR who signed the PRF stating that he won an award but it was not received until after he arrived at his new duty station.

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

STATEMENT OF FACTS:

The applicant did not file an appeal through the Evaluation Report Appeals Board (ERAB) under the provisions of AFI 36-2401, *Correcting Officer and Enlisted Evaluation Reports*.

Per AFPC/PBX, email dated 11 Jan 13, the applicant was considered for the P0409C and P0410D Majors CSB that convened on 14 May 12 and 10 Sep 12 respectively; however he was non-selected for promotion.

The remaining relevant facts pertaining to this application are contained in the letter prepared by the appropriate offices of the Air Force, which are attached at Exhibits B thru C.

AIR FORCE EVALUATION:

AFPC/DPSID recommends denial of the applicant's request to substitute his contested PRF with the revised PRF. DPSID states the applicant has not demonstrated there was an actual material error in the preparation of his contested PRF.

A careful review of the applicant's evaluation history shows no mention of this award present in any prior Officer Performance Report (OPR); however, the award's inclusive period is between Jan to Mar 05. The applicant had more than ample time to make this award known to his rating chain for inclusion in the subject OPR, either during the inclusive period in which it was awarded or for inclusion in a future OPR. The applicant made no mention in his request that he attempted to do so. DPSID concludes that either he deemed it unworthy of mentioning to his rating chain since receipt of the award or he did address this issue with the rating chain and they chose not to include the award in subsequent OPRs or PRFs, as it is the decision of the evaluators to determine the content of evaluations.

DPSID states the applicant is only now, after not being selected to the next higher grade and departure from active duty, requesting what appears to be low-level stratification be added for consideration. In addition, if the applicant felt this award was of high value to his record, he had the opportunity to communicate with the CSB pertaining to this award. However, the applicant waited an additional three years, and after he was already separated to challenge the fact this award was never in his record.

While it may appear that his SR was not aware of the accomplishment when she signed the contested PRF, the applicant had the opportunity to review the PRF approximately 30 days prior to the promotion board and did not raise the issue to her. It appears the applicant is utilizing this award to justify a change in the PRF and thereby obtain SSB consideration, although long after the fact and after his separation from active duty.

DPSID states that to grant the applicant's request would be an injustice to all other Air Force officers who ensure their records are accurate and complete prior to a promotion board.

The complete DPSID evaluation is at Exhibit B.

AFPC/DPSOO recommends denial of the applicant's request for SSB consideration. DPSOO states the applicant has not demonstrated

there was an actual material error in the preparation of his contested PRF.

DPSOO states the applicant has two nonselections for promotion to the grade of major by the P0409C and P0410D Major CSBs. In a previous appeal, the applicant requested the opportunity to write a letter to the board requesting correction of his Officer Selection Brief (OSB) and SSB consideration for the P0409C and P0410D Majors CSBs. AFPC/DPSOO approved the request and he was considered for the P0409C Majors CSB at the SSB that convened on 14 May 12; however, the results have not yet been released. While not confirmed, DPSOO believes the applicant will be considered for the P0410D Majors CSB at the SSB convening on 10 Sep 12.

The complete DPSOO evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

By letter dated 17 Jul 12, the applicant believes his case has not been objectively considered. While he accepts responsibility for not submitting the Charleston award sooner, his supervisors have encouraged him to pursue the appeal process, and his work and records are strong. Every conference, mentoring session, and base-level Military Personnel Flight (MPF) expert left him with a clear message "do a good job and you will get promoted," but, looking back, there were other concerns. Upon realizing the omission of the award from his promotion packet, he was told that high-level leaders would not be inclined to make changes after the board made promotion decisions. However, after he learned about the process for including the omission, he sought assistance from AFPC and his SR. In fact, his SR has been accommodating and supportive in his appeal process.

The applicant states that with the assistance and guidance of military and non-military reviewers, he believes he acted appropriately, given the information available to him at various points in question. He has continued the appeal process based on their support, coupled with his own research, as well as what he was told by AFPC.

His intent in pursuing this appeal process is not to deceive, but ask only for what was earned. He dedicated over 14 years of his life to a career of service to the United States. He wants nothing more than to complete his Air Force career with dignity.

By letter dated 27 Jul 12, the applicant states that he had a personal discussion with his former commander in which they revisited some of the facts regarding his case. During their conversation, they recalled two additional key points they discussed while working the initial draft of his 09 PRF:

1) His commander acknowledged discussing the 05 Charleston award during initial drafts of the 09 PRF.

2) They remembered a rule and intentionally chose not to include the award due to "higher-level methods" of capturing PRF bullets; however, neither of them was clear who specifically imposed this requirement (presumably a Reserve Officer Training Corps or an Air Education and Training Command requirement).

The applicant states the bottom line is they were told PRF citations were to be cross-referenced with historic OPR records. Since there was no prior historic documented mention of the award, they believed it could not be considered part of the PRF document.

The applicant's responses, with attachments, are at Exhibit E.

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. After a thorough review of the evidence presented, we are persuaded that corrective action is warranted. We took particular note of the statements from the Senior Rater and Management Level Review (MLR) President indicating a squadron level award was unintentionally omitted from his PRF. Given their unequivocal support, we find the evidence sufficient to grant the requested relief. Therefore, we recommend the applicant's PRF be replaced with the reaccomplished PRF. We also recommend that his corrected record be considered for promotion to the grade of major by an SSB for the P0409C Major CSB. Accordingly, we recommend his 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. The AF Form 709, *Promotion Recommendation Form (PRF)*, prepared for consideration by the Calendar Year 2009C (P0409C) Major Central Selection Board (CSB), reflecting "Vital to unit's Daedalian Awd for AMC's #1 LRS-maintained 92.3% vehicle commission rate during wartime ops," be declared void and removed from his records.

b. The attached PRF, reflecting the third line in Section IV, *Promotion Recommendation*, "Vital for #1 LRS, AMC Daedalian-- kept a 92.3% wartime vehicle in-commission rate & earned sq Warrior of Qtr" be accepted for file in its place.

It is further recommended that his corrected record be considered for promotion to the grade of major (0-4) by a Special Selection Board (SSB) for the Calendar Year 2009C (P0409C) Major CSB.

The following members of the Board considered Docket Number BC-2012-01396 in Executive Session on 18 Oct 12, under the provisions of AFI 36-2603:

Chair
Member
Member

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 20 Mar 12, w/atchs.
- Exhibit B. Letter, AFPC/DPSID, dated 21 May 12.
- Exhibit C. Letter, AFPC/DPSOO, dated 15 Jun 12.
- Exhibit D. Letter, SAF/MRBR, dated 25 Jun 12.
- Exhibit E. Letter, Applicant, dated 17 Jul 12, w/atchs.
- Exhibit F. Letter, Applicant, dated 27 Jul 12.

Chair