

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02298  
COUNSEL: NONE  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

1. Her non-recommendation for promotion to master sergeant be permanently removed from her personnel records.
2. Her line number to master sergeant be reinstated.

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APPLICANT CONTENDS THAT:

1. On 24 Feb 12, she requested to be released as her commander's enlisted aide. He released her from her position and asked her what her career plans were and offered to assist her by working with the Command Chief. In the same conversation, she told him that she hoped there were no ill thoughts or feelings, and that her decision was the hardest one she had ever made. The commander replied, "he didn't have ill will or ill thoughts and that some things just don't work out." The commander never indicated that her request would have a derogatory impact on her career or that he intended to non-recommend her for promotion or influence her next job selection.
2. On 16 May 12, the commander informed her by telephone that his intent was to non-recommend her promotion selection to master sergeant. He also informed her that she had been removed from the public promotion list and the formal notification was forthcoming. His reason for this action was, "that my decision to relinquish my duties as his enlisted aide did not show my commitment to excellence, therefore, he was nonrecommending me for promotion to a Master Sergeant." This was the only contact she had with him since she left his office on 24 Feb 12. The next morning the Command Chief presented her with the letter informing her of her non-selection for promotion.
3. She asked the Command Chief about her pending special duty package with the Air Force Academy. The Command Chief informed her that the commander would not endorse her package due to the same reasons mentioned in his non-recommendation for promotion letter.
4. She feels the commander's actions are clearly unfair and an arbitrary abuse of his discretion based on the facts of the

matter. Further, she received a "5" on her Enlisted Performance Report (EPR) that closed out on 10 Feb 12, which says that he rated her as "truly among the best," that affirms that he believed that she was ready for immediate promotion and that she was also ready for senior non-commissioned officer (SNCO) responsibilities.

In support of her request, the applicant provides a copy of her commander's non-recommendation for promotion letter, copies of her EPRs, and letters of support.

Her complete submission, with attachments, is at Exhibit A.

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STATEMENT OF FACTS:

On 17 May 12, the AFSPC/CC (applicant's commander) notified the applicant that he was non-recommending her for promotion to master sergeant. The specific reasons for the decision were that she had not consistently demonstrating the highest standards of professional conduct, including effective leadership, followership, and commitment to excellence; and that she requested to be relieved of the responsibilities of that position. Her behavior was inconsistent with the standards expected of an NCO, and demonstrated that she was not ready to assume the responsibilities of a SNCO.

The remaining relevant facts pertaining to this application are contained in the letter prepared by the appropriate office of the Air Force, which is at Exhibit B.

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AIR FORCE EVALUATION:

AFPC/DPSOE recommends denial by stating that commanders have the authority to non-recommend members for promotion whom they feel are not ready to assume the duties and responsibilities of the next higher rank. Further, the commander is in the best position to evaluate the applicant's potential and eligibility for promotion, and acted within his authority when he decided to non-recommend her for promotion to master sergeant.

The complete DPSOE evaluation is at Exhibit B.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant responded by reiterating her original contentions and further explains the reason that she believes the commander acted in an egregious manner by abusing his discretionary authority.

1. She never received any letters of counseling or letters of reprimand that would have informed her of her commander's opinion. While working under his supervision, she received a formal mid-term feedback that was a one-way conversation. When she received her "5" EPR, she thought she made all necessary adjustments to ensure her success.

2. She requested release as the enlisted aide based on internal insight and advice from her support network.

3. The commander's reason for his actions is a direct conflict to her EPR rating. Further, according to the governing instructions, "if ratees have been absent from their supervisor, a supervisor must consult with those with direct supervision over the ratee to form accurate ratings/opinions."

4. There was no contact with her commander in any form and she never received any guidance that a promotion to the rank of master sergeant would be non-recommended based on the reasons he provided to her in his non-recommendation letter. In addition, the AFSPC First Sergeant stated that she personally requested an official change of reporting official two times because she did not have a formal supervisor where she was working; however, the First Sergeant's request was denied both times.

5. She provides specific facts that provides an accurate depiction of her airmanship and in part offers some evidence as to why she has earned and deserves to be promoted to the grade of master sergeant.

The applicant's complete submission 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 error or injustice. After a thorough review of the evidence of record and the applicant's submission, we are not persuaded that her non-recommendation for promotion to master sergeant should be removed and her line

number reinstated. We find that since the commander was not confident in her ability to assume the responsibility of the higher grade his decision to non-recommend her for promotion was appropriate and within his discretionary authority. We find no evidence of an error in the non-recommendation process and are not persuaded by the applicant's assertions that the action was unjust. The evidence submitted does not successfully refute the opinion and recommendation of the Air Force office of primary responsibility. Therefore, we adopt their rationale and recommendation as the basis for their conclusion that the applicant has not been the victim of an error or injustice. Therefore, 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.

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The following members of the Board considered AFBCMR Docket Number BC-2012-02298 in Executive Session on 25 Oct 12, under the provisions of AFI 36-2603:

- , Panel Chair
- , Member
- , Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 24 May 12, w/atchs.
- Exhibit B. Letter, AFPC/DPSOE, dated 6 Jul 12.
- Exhibit C. Letter, SAF/MRBR, dated 21 Aug 12.
- Exhibit D. Letter, Applicant, dated 12 Sep 12.

PanelChair



