

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00021  
COUNSEL: NONE  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

1. The Fitness Assessments (FA) dated 18 Feb 2010 and 30 Jun 2010, be removed from the Air Force Fitness Management System (AFFMS).
  2. His referral Enlisted Performance Report (EPR) rendered for the period 24 Dec 2008 through 21 Feb 2010, be declared void and removed from his records.
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APPLICANT CONTENDS THAT:

On 19 Feb 2012, he was ordered to report to an Air Force Base in Colorado to take his FA. At the time he was on a Temporary Duty (TDY) assignment in the United States from Hungary, which is 480 feet above sea level. The testing facility for his FA was 6,187 feet above sea level. He was not given the required amount of time (42 days) to acclimate to this new altitude before being tested in accordance with AFI 10-248, *Fitness Program*, which was the contributing factor in his FA failure.

In a 10 May 2011 memorandum, the Unit Fitness Program Manager (UPFM) stated that the running course at Hungary had not been in compliance with AFI 36-2905, *Air Force Fitness Program*, from Nov 2008 through 18 Apr 2011.

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

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STATEMENT OF FACTS:

The applicant is currently serving in the Regular Air Force in the grade of technical sergeant (TSgt, E-6).

The remaining relevant facts pertaining to this application are contained in the letters prepared by the appropriate offices of the Air Force at Exhibits C, D, E, and G.

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## THE AIR FORCE EVALUATION:

AFPC/DPSIM recommends denial of the applicant's request to remove his 19 Feb 2010 FA from the AFFMS. DPSIM states the applicant is requesting his FA dated 19 Feb 2010 be removed from the AFFMS. However, the AFFMS only reflects a 18 Feb 2010 FA. On 18 Feb 2010, the applicant tested on all four components and did not meet the minimum requirement for the cardio component of the FA.

He previously tested on 21 Nov 2008, and received a composite score of "good." He has no other FAs in the AFFMS from 21 Nov 2008 to 18 Feb 2010. On 9 Feb 2010, his supervisor advised him if he did not test by 22 Feb 2010, he would not be current and he would receive a referral EPR.

Per AFI 36-2905, airmen are responsible for maintaining currency standards. Specifically, each airman is responsible for knowing the block of time which his FA is required to remain current. If a FA has not been scheduled in the period required to remain current, the member must notify the designated Fitness Assessment Cell (FAC) representative, UFPM, or superior authority, in writing (includes e-mail) of the need to schedule the FA and request that it be scheduled within the required testing window. It is ultimately the member's responsibility to ensure that his FA is scheduled. Failing to remain current as well as failing to attain a passing score on the applicable FA before the end of the performance report reporting period will result in a "Does Not Meet Standards" rating on the member's performance report if, as of the closeout date of the performance report, currency or a passing score is not obtained. Members must also monitor their FA exemptions, schedule any necessary medical examinations, and initiate FA arrangements in a timely manner.

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

AFPC/DPSID recommends denial of the applicant's request that his EPR rendered for the period of 24 Dec 2008 through 21 Feb 2010 be removed from his records. DPSID states 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*.

Prior to his TDY to Peterson AFB, he was already in a non-current status on his FA, with an annual EPR soon to closeout. The applicant passed a FA on 21 Nov 2008. He was due to perform the next FA by Nov 2009; however, he went into a non-current status as of the end of that month since he did not test. He remained in non-current status for an additional two months until he departed for TDY to Colorado on 15 Jan 2010. It was finally during this 49 day TDY that he elected to take the FA on the advice of his rater, and subsequently failed the FA. DPSID concludes that it was the applicant's lack of attention in remaining current on his fitness testing within the appropriate timeframe, not any inability to pass a short-notice fitness test

in a TDY location with elevation issues that caused the contested EPR to be referred.

In an email provided in his case, the rater clearly does not order the applicant to take his FA; on the contrary, the rater and commander appeared to be helping the applicant by suggesting that he try and take the FA while TDY, despite the elevation issues involved with the testing location, in order to salvage him from receiving the referral report. It appears that the rater and commander attempted to assist the applicant in avoiding this referral EPR for non-currency by affording the applicant an extra 59 days to obtain a passing FA score via a requested and approved 59 day extension. Nevertheless, it was ultimately the applicant's responsibility to not only be ready to successfully pass a required FA, but also to ensure that the required FA was completed in the required timeframe.

It appears the applicant did not adequately plan to take the required FA at his home station within the contested rating period, and that his own voluntary decision to take the FA at the TDY location at the very end of the rating period resulted in the fitness failure that caused the referral EPR.

The complete DPSID evaluation, with attachment, is at Exhibit D.

AFPC/DPSOE recommends denial of the applicant's request to have his FA dated 18 Feb 2010, removed from the AFFMS and defers to DPSID's recommendation. Based on their assessment, DPSID found the referral report to be accurate as written, and recommends it not be removed.

The complete DPSOE evaluation is at Exhibit E.

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APPLICANT'S REVIEW OF THE AIR FORCE EVALUATION:

On 18 May 2012, copies of the Air Force evaluations were forwarded to the applicant for review and comment within 30 days. As of this date, no response has been received by this office (Exhibit F).

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ADDITIONAL AIR FORCE EVALUATION:

On 24 Jul 2012, a memorandum was sent to the applicant requesting additional documentation. After reviewing the information, AFPC/DPSIM provided a revised advisory, dated 26 Oct 2012 and recommended partial approval of the applicant's request to have his FA dated 18 Feb 2010 removed from the AFFMS. DPSIM states in accordance with AFI 36-2905, "All personnel who are deployed or TDY for greater than 30 consecutive days will be given a 42 day acclimatization period starting the date they arrive back at home station prior to taking their FA." Since he was TDY from 15 Jan 2010 through 4 Mar 2010, with an estimated

tour length of 42 days, DPSIM now recommends his FA dated 18 Feb 2010 be removed from the AFFMS.

Regarding his FA dated 30 Jun 2010, DPSIM recommends partial approval. DPSIM states the documentation provided by the applicant indicates the incorrect length of running course was used. Because the cardio portion was the only component impacted by this error, DPSIM recommends the cardio component be updated to reflect "Exempt" in the AFFMS. Updating the cardio component to "Exempt" will still result in an unsatisfactory score of 72.

The complete DPSIM evaluation, with attachment, is at Exhibit G.

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APPLICANT'S REVIEW OF THE ADDITIONAL AIR FORCE EVALUATION:

He is fully aware his FA was not current prior to being sent TDY; however, it should be made very clear that this was entirely due to the situation on the ground at his home station. There was only one certified Physical Training Leader (PTL) and an outdoor running course. He made numerous appointments and attempts to schedule his FA, however, each was cancelled due to weather or scheduling conflicts encountered by the PTL, not himself.

With respect to his supervisor's email regarding his FA, he does recognize that the supervisor does not say the actual words "I order you," however; he asserts this email was clearly directive in nature. He advised his supervisor that he was not eligible to take the test based on guidance clearly described in AFI 36-2905, AFGM4 which was the governing AFI at the time of the incident. This AFI gave the commander options to exempt members in a TDY status. However, instead of exempting him, it was instead used to coerce him into short notice testing at 6,187 feet above sea level without the proper time to acclimate.

The advisory mentions previous and subsequent FAs that he has failed that are not currently under consideration and should not be a factor in determining his case.

He received a referral EPR due to failing the FA and asserts that if he did not fail his FA he would have easily received a "5" on his EPR for both rating periods in question. Furthermore the "4" EPR continues to affect his promotion.

DPSIM used the previous AFI when calculating his FA dated 30 Jun 2010 which resulted in an "unsatisfactory" FA. Using the correct AFI would result in a "satisfactory" FA and therefore, invalidate the referral EPR for the period ending 6 Jul 2010.

His complete response is at Exhibit I.

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 to warrant removing the applicant's FA dated 18 Feb 2010 and the referral EPR closing 21 Feb 2010, from his records. We note DPSIM's original recommendation was to deny this request since the applicant failed to remain current or attain a passing score on his FA. However, on 24 Jul 2012, they sent a memorandum to the applicant requesting additional information and based on the documentation provided by the applicant, have provided a revised advisory opinion dated 26 Oct 2012, in which they recommend the FA be removed from the AFFMS, since he was not given a 42 day acclimatization period. Nevertheless, we disagree with their revised recommendation and note that the applicant admits he was not current on his FA prior to his TDY. While he states numerous appointments and attempts to schedule his FA were cancelled through no fault of his own, he has not provided substantial evidence to corroborate his assertions. Although he believes he was coerced into short-notice testing without the proper time to acclimate, as pointed-out by DPSID, it was his lack of attention in remaining current on his fitness testing within the appropriate timeframe, not his inability to pass a short-noticed fitness test that caused the contested report to be referred. As such, it is our opinion the applicant failed to exercise due diligence in ensuring he was current on his FA. In view of above, we find no basis to recommend removal of the FA dated 18 Feb 2010 or the referral EPR ending 21 Feb 2010. Therefore, we conclude the applicant has failed to sustain his burden that he has been the victim of an error or injustice in this regard. In view of the above and in the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this portion of his application.

4. Notwithstanding the above, sufficient relevant evidence has been presented to demonstrate the existence of an error or injustice warranting partial-relief regarding the applicant's request that his FA dated 30 Jun 2010 be removed from the AFFMS. While he requests the entire FA be removed from the AFFMS, we note the applicant provided documentation to support his contentions that the incorrect length of running course was used during the FA. However, since the cardio portion was the only component impacted by this error, we agree with DPISM that only this portion should be updated to reflect "Exempt" in the AFFMS. Although DPSIM's advisory opinion states updating the cardio component to "Exempt" will still result in an unsatisfactory score, they have since re-calculated his FA score and determined that updating the cardio component to "Exempt" will actually result in a "satisfactory" FA score. We note the applicant contends this action should invalidate the referral EPR he received for the period ending 6 Jul 2010. However, after a

thorough review of his military personnel record we found no evidence of an EPR ending 6 Jul 2010. The applicant did receive a referral report for the period 2 Oct 2010 through 6 Jul 2011; however, since the 30 Jun 2010 FA is prior to the reporting period of the EPR; this request is without merit. Accordingly, we recommend the applicant's records be corrected to the extent indicated below.

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THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that the cardio component of his FA dated 30 Jun 2010, reflect "exempt" in the AFFMS.

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The following members of the Board considered AFBCMR BC-2011-00021 in Executive Session on 11 Dec 2012 and 22 Mar 2013, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

All members voted to correct the records as recommended. The following documentary evidence pertaining to AFBCMR BC-2012-00021 was considered:

- Exhibit A. DD Forms 149, dated 26 Dec 2011, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSIM, dated 19 Jan 2012, w/atch.
- Exhibit D. Letter, AFPC/DPSID, dated 20 Mar 2012, w/atch.
- Exhibit E. Letter, AFPC/DPSOE, dated 7 May 2012.
- Exhibit F. Letter, SAF/MRBR, dated 18 May 2012.
- Exhibit G. Letter, AFPC/DPSIM, dated 26 Oct 2012, w/atch.
- Exhibit H. Letter, SAF/MRBR, dated 7 Nov 2012.
- Exhibit I. Letter, Applicant, dated 30 Nov 2012, w/atchs.

Panel Chair