

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02002
COUNSEL: NONE
HEARING DESIRED: NOT INDICATED

APPLICANT REQUESTS THAT:

His demotion from technical sergeant (E-6) to senior airman be reversed.

APPLICANT CONTENDS THAT:

The publication that governs airman demotions has been obsolete since 31 Dec 09. The obsolete instruction is reflected on his demotion order as the authority for the demotion. AFI 36-2502, *Airman Promotion/Demotion Programs*, applies to active duty service members and not Air Force Reserve personnel.

In support of his request, the applicant provides an excerpt from AFI 36-3502 and a copy of his demotion orders.

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

STATEMENT OF FACTS:

The applicant is currently serving in the Air Force Reserve (AFR) in the grade of senior airman. He was demoted to the grade of senior airman with a date of rank of 1 Jul 90 and an effective date of 1 Apr 11.

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

AIR FORCE EVALUATION:

AFRC/A1K recommends denial by stating that AFR enlisted members are promoted and demoted IAW the AFR Enlisted Promotion and Demotion Policy, which is executed IAW AFDPD 36-25, *Military Promotion and Demotion*. Further, AFI 33-360, *Publications and Forms Management*, para 2.8.2, states "AFPDs and AF supplements to DoDDs may only be directly implemented by AFIs and AFMANs.

However, if no departmental-level guidance is provided (e.g., AFIs, AFMANs, etc.), field activities may issue instructions to directly implement AFPDs and AF supplements to DoDDs." In this case, after the AFRC/JA provided advice to the commander, the commander issued verbal instructions to directly implement AFPD 36-25. Subsequently, it was determined the former content of AFI 2503, *Administrative Demotion of Airman*, and AFI 36-2502, *Airman Promotion Program*, dated 6 Aug 02, would continue to be used as the procedural guidance to implement the AFR Enlisted Demotion and Promotion Policy. Therefore, the demotion action was determined to be legally sufficient and a valid personnel action.

The complete AFRC/A1K evaluation is at Exhibit B.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

1. The governing instructions does not discuss why he was demoted. This instruction does not discuss specific guidance that is to be used to ensure everyone is treated the same. The AFRC evaluation admits that there are no current governing instructions in place with regard to Reserve demotions.

2. If the AFRC/CC provided "verbal instructions," why were the instructions not put into a written notification of the intent to demote him? Also, why was he not given a reason why this demotion action was being taken?

3. The obsolete instructions that govern Reserve demotions are no longer available to review. If an instruction cannot be reviewed, how do airmen know that the instructions say? In addition, the instructions states that it only applies to active duty members and it does not apply to Reserve members.

The applicant's complete submission is at Exhibit D.

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. We took note of the applicant's arguments regarding the validity of the demotion instructions ,however, we agree with AFRC/A1K recommendation that the use of the former AFI 36-2503 and Air 36-2502 as the procedural guidance when implementing Air Force Reserve enlisted

demotions and promotions was proper. Therefore, we agree with the opinion and recommendation of AFRC/A1K and adopt its rationale as the basis for our 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.

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.

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-2012-02002 in Executive Session on 10 Jan 13, under the provisions of AFI 36-2603:

, Panel Chair
, Member
, Member

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 2 May 12, w/atchs.
Exhibit B. Letter, AFPC/A1K, dated 16 Aug 12.
Exhibit C. Letter, SAF/MRBR, dated 27 Aug 12.
Exhibit D. Letter, Applicant, dated 17 Sep 12.

Panel Chair