

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02702
COUNSEL: NO
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

All information relating to his involuntary retirement be removed from his P0610C Officer Selection Brief (OSB) and his corrected record be given Special Selection Board (SSB) consideration for promotion to the grade of colonel by the Calendar Year 2010C Colonel Line of the Air Force Central Selection Board (CY10C Col LAF CSB).

APPLICANT CONTENDS THAT:

The data reflected on his OSB was prejudicial to his record and its inclusion was unjust for it was due to action of the Calendar Year 2010A Lieutenant Colonel Selective Early Retirement Board (CY10 Lt Col SERB).

His selection record could never receive a fair and equitable assessment by the board members for it was tainted by the word "Retirement" and indicated a date of separation (DOS) a few months following the board. It was an injustice for his selection record to indicate he was retiring since his retirement was not voluntary. He was not afforded the chance to be honestly evaluated amongst his peers during his last promotion board as the inclusion of his pending retirement was damaging and prejudicial to his record. Any board member who noted this information could not help but view his record in a negative manner. Since his retirement was not of his own choosing, it was clearly unfair to place this information before a promotion board.

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

STATEMENT OF FACTS:

The applicant is a former member of the Regular Air Force who retired effective 1 June 2011 in the grade of lieutenant colonel (O-5).

The applicant met and was non-selected for promotion to colonel (O-6) by the CY09A, CY09D and CY10C Col LAF CSBs. He also met the CY10A Lt Col SERB and was not selected for retention.

The remaining relevant facts, extracted from the applicant military service record, are contained in the evaluations by the Air Force offices of primary responsibility at Exhibits C and D.

AIR FORCE EVALUATION:

AFPC/DPSOO recommends denial. DPSOO states that board members take an oath to act in the best interest of the Air Force and are charged with using the whole-person concept in assessing each officer's record. A DOS is just one of the many factors that are part of the whole-person concept. Although the OSB reflects a reason for the DOS, board members do not know whether it is voluntary or involuntary. As with every board, when officers with an approved retirement or separation are selected for promotion, it gives them the opportunity to pull their retirement or separation paperwork and remain on active duty to accept the promotion. The applicant wrote a letter to the board advising them that he was selected for retirement by the SERB. In addition, a review of the board file shows that there were 269 officers with an approved retirement between 1 Mach 2011 and 1 January 2012 who had retirement as a reason for their DOS on their OSB.

The applicant met the CY10C Col CSB as an Above-the-Promotion-Zone (APZ) eligible with a "Promote" recommendation. A review of the promotion statistics shows the selection rate for APZ officers with a "Promote" recommendation was .6 percent (5/898). It is doubtful the DOS or reason for DOS in the OSB was the lone factor for the applicant's non-selection.

DPSOO indicates the applicant has not provided any evidence that his selection record did not receive a fair and equitable assessment by board members. In addition, granting relief would be unfair to the hundreds of other officers who had voluntary or involuntary retirements on their selection briefs.

The complete DPSOO evaluation is at Exhibit C.

AFPC/PB recommends denial. PB states the promotion board complied with all governing directives and Secretary of the Air Force guidance. There is absolutely no evidence to support the applicant's claim.

The complete PB evaluation is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

His argument has two simple points: 1) an involuntary DOS and the word "Retirement" are prejudicial information in an OSB, and 2) it was unjust to include this information on his OSB. Prior to the CY10A Lt Col SERB, he had an unblemished record, but the Air Force felt that it had too many Lt Cols and elected to force him into early retirement. This involuntary administrative action should not have a negative effect on his official record, but he feels that it did, specifically in the case of his OSB for the CY10C Col LAF CSB.

The applicant's complete rebuttal is at Exhibit F.

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 an injustice. We have reviewed the available evidence pertaining to the applicant's assertions regarding his OSB and we are not persuaded that corrective action is warranted. While the applicant argues that his DOS on the OSB tainted the Board's view in a negative manner, we find no evidence of this or that he has been treated differently than similarly situated officers. Therefore, we agree with the opinion and recommendation of the Air Force office of primary responsibility and adopt its rationale as the basis for our conclusion 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.

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-2012-02702 in Executive Session on 14 March 2013, under the provisions of AFI 36-2603:

_____, Vice Chair
_____, Member
_____, Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-02702 was considered:

- Exhibit A. DD Form 149, dated 1 Jun 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSOO, dated 30 Aug 12.
- Exhibit D. Letter, AFPC/PB, dated 2 Oct 12.
- Exhibit E. Letter, SAF/MRBR, dated 6 Nov 12.
- Exhibit F. Letter, Applicant, dated 3 Dec 12.

Vice Chair