

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-02071

COUNSEL: None

HEARING DESIRED: No

AUG 14 1998

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APPLICANT REQUESTS THAT:

His grade of senior airman (SRA) be restored to its original date of rank (DOR) of 20 July 1993.

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APPLICANT CONTENDS THAT:

A thoughtless application of the bare measurements alone of the Weight Management Program (WMP) stated he was over fat when he has always appeared fit and slim. He has obtained one of the most impressive physiques in his whole squadron. He was over his maximum allowable weight (MAW) only one time. He should never have been reduced in rank. An administrative discharge board voted to retain him, even though he had failed the measurements five times. The board's findings show that the WMP's standards don't accurately measure the way he is individually made.

Applicant's complete submission is attached at Exhibit A.

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STATEMENT OF FACTS:

Applicant entered active duty on 20 July 1990 and was promoted to SRA on 20 July 1993. He reenlisted on 17 August 1993 for a period of six years, .

He was entered into the WMP on 15 June 1995, weighing 227 lbs and having a body fat measure (BFM) of 25%; his allowable BFM for his age group was 20%. On 22 August 1995, he received a Letter of Reprimand (LOR) for unsatisfactory progress. He received two more LORs on 25 September and 26 December 1995, which were entered into an unfavorable information file (UIF). He received a referral Enlisted Performance Report (EPR) on 3 January 1996 for failure to satisfy a just debt and failure in the WMP. He received another referral EPR on 10 May 1996 for failure in the WMP. He was recommended for discharge on 29 May 1996, and recommended for administrative demotion on 6 June 1996. At that time he weighed 218 lbs and had a BFM of 21%.

Applicant was administratively demoted from SRA to airman first class (A1C) on 24 June 1996.

An administrative discharge board convened on 7 August 1996 because of applicant's multiple overdue AAFES Deferred Payment Plan (DDP) payments and his unsatisfactory progress in the WMP. Although the board found that he did have multiple overdue payments and did have five unsatisfactory periods in the WMP, the board recommended the applicant be retained.

On 9 December 1996, applicant requested that his commander restore his rank of SRA; however, his request was denied on 10 December 1996.

Applicant was promoted to SRA effective and with a DOR of 24 February 1998. Because he has more than 9 but less than 15 years and has not yet attained the grade of staff sergeant (SSgt), he reaches High Year Tenure (HYT) in July 2000. He currently has a date of separation (DOS) of 16 August 1999, which is the end of his term of enlistment.

A resume of his performance reports follows:

PERIOD ENDING	OVERALL EVALUATION
29 Mar 92	3
29 Mar 93	4
3 Jan 94	3
3 Jan 95	5
3 Jan 96	2 (Referral)
10 May 96	2 (Referral)
10 May 97	4
10 May 98	4

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AIR FORCE EVALUATION:

The NCOIC, Commander's Programs Branch, HQ AFPC/DPSFC, reviewed this appeal and states that the circumferential measurement, mandated by the Department of Defense, is the technique used by orderly room weight managers to perform the BFM. AFI 40-502, *The Weight Management Program*, allows commanders to select an appropriate administrative action from the third unsatisfactory list---administrative demotion being an action a commander can take. Denial is recommended.

A complete copy of the Air Force evaluation is attached at Exhibit C.

The Chief, Inquiries/AFBCMR Section, HQ AFPC/DPPPWB, also evaluated this case and indicates that the commander did not concur with the applicant's request to reinstate his former grade, her reason being that prior administrative actions failed to get his attention and it was only after he was demoted that he started complying with the WMP. The author defers to the commander's decision.

A complete copy of the Air Force evaluation is attached at Exhibit D.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Complete copies of the evaluations were forwarded to the applicant on 17 November 1997 for review and comment within 30 days. As of this date, no response has been received by this office.

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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. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice to warrant granting partial relief. The applicant requests that his original SRA DOR of 20 July 1993 be restored. We note that on 10 December 1996, the commander refused to restore applicant's rank of SRA (applicant has since regained it but with a later DOR), indicating that prior administrative actions had failed to get his attention and he started complying with the WMP standards only after he had been demoted. We agree with the commander's valid rationale for denying applicant's request. The applicant had five unsatisfactory periods while in the WMP, receiving three LORs, two referral EPRs, and a recommendation for discharge before he began to comply with Air Force standards. The applicant argues that he "always appeared fit and slim" and the WMP standards were unjustly applied, but he has provided insufficient evidence to justify waiving the weight/body fat standards in his case. Therefore, applicant's request for his original SRA DOR is denied.
4. Notwithstanding the above, we note that the administrative discharge board felt the applicant was worth saving and recommended he be retained. However, he will not be able to remain in the Air Force much longer unless he makes SSgt before his HYT. Because of his demotion and his current SRA DOR of 24 February 1998, he has only one chance, in cycle 99E5, to

achieve that goal. Since the applicant has met the WMP standards and appears sincere in wanting to remain in the Air Force, we believe he should not continue to pay the penalty for his past mistakes. He just missed being eligible for promotion consideration by the 9835 cycle because of his current DOR. Changing his DOR to 1 February 1998 would make him eligible to study, test, and be given supplemental promotion consideration for that cycle. This, we believe, would afford him a more reasonable opportunity to make SSgt before his HYT. Therefore, we recommend his records be corrected as 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 he was promoted to the grade of senior airman effective and with a date of rank of 1 February 1998.

It is further recommended that he be provided supplemental consideration for promotion to the grade of staff sergeant for all appropriate cycles beginning with cycle 9835.

If AFPC discovers any adverse factors during or subsequent to supplemental consideration that are separate and apart, and unrelated to the issues involved in this application, that would have rendered the individual ineligible for the promotion, such information will be documented and presented to the board for a final determination on the individual's qualification for the promotion.

If supplemental promotion consideration results in the selection for promotion to the higher grade, immediately after such promotion the records shall be corrected to show that he was promoted to the higher grade on the date of rank established by the supplemental promotion and that he is entitled to all pay, allowances, and benefits of such grade as of that date.

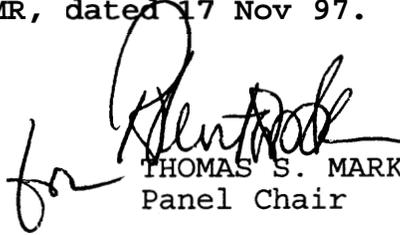
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The following members of the Board considered this application in Executive Session on 11 and 26 June 1998, under the provisions of AFI 36-2603:

Mr. Thomas S. Markiewicz, Panel Chair  
Mr. Robert W. Zook, Member  
Ms. Olga M. Crerar, Member

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

- Exhibit A. DD Form 149, dated 8 Jul 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, HQ AFPC/DPSFC, dated 20 Aug 97.
- Exhibit D. Letter, HQ AFPC/DPPPWB, dated 22 Aug 97, w/atchs.
- Exhibit E. Letter, AFBCMR, dated 17 Nov 97.

  
THOMAS S. MARKIEWICZ  
Panel Chair



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

Office of the Assistant Secretary

AUG 14 1998

AFBCMR 97-02071

MEMORANDUM FOR THE CHIEF OF STAFF

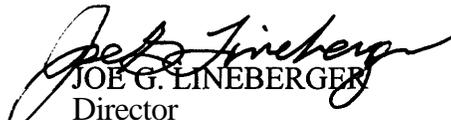
Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to \_\_\_\_\_, be corrected to show that he was promoted to the grade of senior airman effective and with a date of rank of 1 February 1998.

It is further directed that he be provided supplemental consideration for promotion to the grade of staff sergeant for all appropriate cycles beginning with cycle 98E5.

If AFPC discovers any adverse factors during or subsequent to supplemental consideration that are separate and apart, and unrelated to the issues involved in this application, that would have rendered the individual ineligible for the promotion, such information will be documented and presented to the board for a final determination on the individual's qualification for the promotion.

If supplemental promotion consideration results in the selection for promotion to the higher grade, immediately after such promotion the records shall be corrected to show that he was promoted to the higher grade on the date of rank established by the supplemental promotion and that he is entitled to all pay, allowances, and benefits of such grade as of that date.

  
JOE G. LINEBERGER  
Director  
Air Force Review Boards Agency