

ADDENDUM TO
RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

AUG 25 1998

IN THE MATTER OF:

DOCKET NUMBER: 97-02915

COUNSEL: NONE

HEARING DESIRED: YES

RESUME OF CASE:

In an application, dated 29 September 1997, the applicant requested that he be promoted to the grade of major and reinstated to active duty.

On 5 March 1998, the Board considered the applicant's requests in Executive Session and denied his requests (Exhibit E).

On 13 January 1998, the applicant responded to the advisory opinions; however, a copy of his response was not provided to the Board for consideration (Exhibit F).

Since the applicant responded to the advisory opinions within the prescribed time limit for doing so, and his response was not considered by the Board, his application has been reopened and forwarded to the Board for consideration.

THE BOARD CONCLUDES THAT:

Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After thoroughly reviewing the evidence of record and noting the applicant's response to the advisory opinions, we are still not persuaded that he has been the victim of an error or injustice. The applicant contends the senior rater and major command were "gaming" the Officer Evaluation System (OES); however, he has failed to provide sufficient documentary evidence to support this contention. We are not persuaded that it was inappropriate for the applicant's chain of command to discuss his record of performance and promotion potential with the senior rater. Furthermore, we find no evidence that the senior rater made an inappropriate decision regarding the PRF prepared for the CY94 board, or that there was any inappropriate action by the Management Level Review Board (MLRB). While the applicant contends that he did not fit his senior rater's mold, based on the comments on the PRF, it is apparent the senior rater supported his record for promotion and command advancement. The applicant also contends that unjust job assignments at Keesler

AFB, effected his competitiveness for promotion; however, the OPRs the applicant received while assigned to Keesler AFB all reflect strong and enthusiastic comments regarding performance as well as specific recommendation for Professional Military Education (PME) and command. Had the assignment had a detrimental effect on the applicant's promotion potential, we believe it would appear in the comments contained in the OPRs rendered during the assignment. In the absence of evidence that the applicant has been the victim of an error or injustice, we find no compelling basis to recommend granting the relief sought in this application.

THE BOARD DETERMINES THAT:

The applicant be notified that the additional evidence presented did not demonstrate the existence of probable 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 this application in Executive Session on 27 May 1998, under the provisions of AFI 36-2603:

Ms. Charlene M. Bradley, Panel Chair
Mr. Terry A. Yonkers, Member
Mr. Michael P. Higgins, Member
Mr. Phillip E. Horton, Examiner (without vote)

The following documentary evidence was considered:

Exhibit E. Record of Proceedings, dated 20 Mar 98, w/atchs.
Exhibit J. Letter, Applicant, dated 13 Jan 98.


CHARLENE M. BRADLEY
Panel Chair

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NO: 97-02915

COUNSEL: NONE

MAR 20 1998

HEARING DESIRED: YES

Applicant requests that he be promoted to the grade of major and reinstated to active duty. Applicant's submission is at Exhibit A.

The appropriate Air Force offices evaluated applicant's request and provided advisory opinions to the Board recommending the application be denied (Exhibit C). The advisory opinions were forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

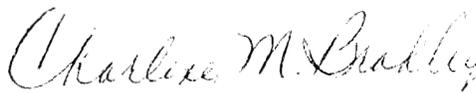
After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinions appear to be based on the evidence of record and have not been rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

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(s) involved. Therefore, the request for a hearing is not favorably considered.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Ms. Charlene M. Bradley, Mr. Terry A. Yonkers, and Mr. Michael P. Higgins, considered this application on 5 March 1998, in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.



CHARLENE M. BRADLEY
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinions
- D. AFBCMR Ltr Forwarding Advisory Opinions



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS

9 Dec 97

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPRR
550 C Street West, Suite 11
Randolph AFB TX 78150-4713

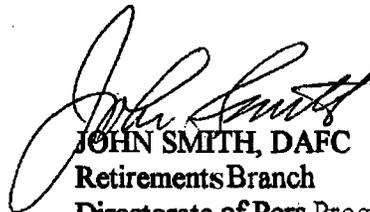
SUBJECT: Application for Correction of Military Records [REDACTED]

Requested Action. Applicant is requesting promotion to major and return to active duty.

Basis for Request. Applicant contends that his nonselection for promotion to major was due to a combination of factors; "gaming" of the Officer Evaluation System by the senior rater and major command, injustice in job assignments, and not "fitting BG Rarkin's mold."

Discussion.

- a. Applicant was considered and not selected for promotion to major below-the-promotion zone (BPZ) in CY92 and CY93, in-the-promotion zone (IPZ) in CY94, and above-the-promotion zone (APZ) in CY95.
- b. On 15 Aug 95, applicant submitted a voluntary retirement application requesting to be retired effective 1 Nov 95, after serving 21 years 1 month and 17 days active service. His application was approved by special order AC-016439 dated 2 Sep 95.
- c. Recommendation. None. However, if the decision is to grant the relief sought, the record should be corrected to show applicant was promoted to major and remained on active duty. The retirement orders dated 2 Sep 95 (Special Order No. AC-016439) will need to be rescinded.


JOHN SMITH, DAFC
Retirements Branch
Directorate of Pers Program Management

[REDACTED]

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DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS

25 Nov 97

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPPO
550 C Street West Suite 8
Randolph AFB TX 781504710

SUBJECT: Application for Correction of Military Records [REDACTED]

Requested Action. Applicant requests direct promotion to major and return to active duty.

Basis for Request. Applicant contends that his nonselection for promotion to major was due to a combination of factors: "gaming" of the Officer Evaluation System by the senior rater and major command, injustice in job assignments, and not "fitting BG Rankin's mold."

Discussion.

a. Application is timely. Applicant was considered and not selected for promotion to major below-the-promotion zone (BPZ) in CY92 and CY93, in-the-promotion zone (IPZ) in CY94, and above-the-promotion zone (APZ) in CY95. Applicant retired in September 1995 due to being retirement eligible as a result of twice nonselection for promotion to major.

b. Applicant claims one of the reasons for his nonselection to major was due to the "gaming" of the Officer Evaluation System by the senior rater and major command. From the applicant's account of the scenario regarding the senior rater's decision making process, no error or injustice is evident. It appears the applicant's command chain appropriately discussed the applicant's record and potential to serve in a higher grade with the senior rater. There is no indication the senior rater made an inappropriate decision regarding the rendering of Promotion Recommendation Forms. There is no evidence of inappropriate action by the HQ AETC Management Level Review Board.

c. Applicant claims another reason for his nonselection to major was due to an injustice in job assignments while stationed at [REDACTED]. This advisory will only comment on the possible affect of his assignments in relation to promotion. The affect of assignments in relation to promotion consideration can be validated by the comments a supervisor makes on an officer's performance. An indication that an assignment has been detrimental to an officer's potential to serve in the next higher grade is typically validated by documented weak performance. The

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applicant received **three office performance** reports (OPR) while stationed at [REDACTED] all reflect strong and enthusiastic comments regarding performance as well as **specific** recommendations for professional military education and **command**. In a subjective comparison **based on** the benchmark records from the **CY94** line major selection board, these OPRs were in line with the average records of **his** peer group. Comments on these OPRs indicate **his** supervisors consistently supported **his** performance.

d. Lastly, applicant claims another reason for **his** nonselection to major was due to **his** "not **fitting** BG Rankin's mold." AFI 36-2501, para 2.1, states that promotion is not a reward for past service but an advancement to a higher grade based on past performance and future potential. While **the** applicant may believe he received **unfair** treatment due to not **fitting** the perceptions of **his** senior rater, the Performance Recommendation Form (PRF) rendered for the **CY94** major selection board appears appropriate in both narrative and overall recommendation and comments were congruent **with the** applicant's record of performance. The senior rater's comments regarding a recommendation for promotion and command on the **last line** of block IV, indicate the Senior rater supports this record for promotion and advancement for **command**. If the senior rater **believes** an officer's record does not contain the potential for advancement to the next higher **grade**, the comments on the PRF narrative would typically not contain a recommendation for promotion or for **command**. Further, the selection rate for PRFs with an overall "Promote" recommendation for the **CY94** major line of the **Air Force** selection board was **40.6** percent. There is no indication the applicant's record did not receive fair and equitable consideration for promotion.

Recommendation: Disapprove applicant's request for promotion to **major** and subsequent return to active duty. While the applicant may believe an injustice **occurred**, he **does** not provide **any** evidence to substantiate the possibility of impropriety, error, or **injustice**. The applicant's discussion of events in the Officer Evaluation System in rendering PRFs for **his** promotion consideration by both the **CY94** and **CY95** boards appear appropriate. The applicant's assignments while stationed at [REDACTED] are appropriate to the officer's career specialty and logical to the officer's progression of **responsibilities**. The applicant's performance in these assignments can be characterized as solid. Lastly, the applicant's perception of **his** senior rater's expectations are not consistent with the PRF narrative or **recommendation**.

Summary: We can offer no suggestions or alternatives should the Board elect to grant relief over our **objections**.

K. Bayle Staten

KATHRYN G. STATEN, Lt Col, USAF
Chief, Officer Promotion and Appointment Branch
Directorate of Personnel Program Mgt

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