

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

JAN 04 1999

IN THE MATTER OF:

DOCKET NUMBER: 97-02966

COUNSEL: NONE

HEARING DESIRED: NO

~~APPLICANT REQUESTS THAT:~~

His Air Medal, First Oak Leaf Cluster (**AM**, 1 OLC) be considered in the promotion process for cycle 96E5.

~~APPLICANT CONTENDS THAT:~~

The **AM**, 1 OLC, he was awarded for his actions during Operation Deliberate Force should have been considered during cycle 96E5.

The applicant states the air operation took place in September of 1995; however, two years passed before he was ever awarded the medal due to administrative reasons.

In support of the appeal, applicant provides a statement from the commander which indicates that the applicant's decoration recommendation for Operation Deliberate Force was held at the squadron level because the applicant was also involved in Operation United Shield and the squadron was awaiting the outcome of those medal packages because it could not be determined at that time which Oak Leaf Cluster would apply.

The applicant's complete submission is attached at Exhibit A.

~~STATEMENT OF FACTS:~~

The applicant is currently serving in the Regular Air Force in the grade of staff sergeant (E-5).

Promotion selections for cycle 9635 were made on 16 July 1996 and announced on 31 July 1996. The total weighted promotion score required for selection in the applicant's Air Force Specialty Code (AFSC) was 286.46. The applicant's total weighted promotion score was 283.93. (Note: Applicant's total promotion score is incorrectly listed as 281.93 because an Air Achievement Medal (worth 3 points) awarded in February 1996 was not updated in time for him to receive credit). The Promotion Eligibility Cutoff Date (PECD) was 31 March 1996.

On 31 July 1996, a Recommendation for Decoration Printout (RDP) was prepared on the applicant.

Headquarters Air Force Special Operations Command, Special Order GA-241, dated 14 April 1997, awarded the applicant the Air Medal, First Oak Leaf Cluster (**AM**, 1 OLC) for outstanding achievement while participating in aerial flight on 31 August 1995. The **AM** is worth 3 points in the computation of a members total weighted promotion score.

For a decoration to be eligible for consideration in a promotion cycle, the close-out date of the decoration must be on or before the PECD, and the date of the RDP must be before the date of selections for the cycle in question.

Since the RDP was prepared after selections for cycle 96E5 were announced, the decoration was not considered in the promotion process for the cycle.

The applicant was promoted to the grade of staff sergeant during promotion cycle 9735, effective and with date of rank of 1 September 1997.

AIR FORCE EVALUATION:

The Chief, Inquiries/AFBCMR Section, AFPC/DPPPWB, reviewed this application and states the following:

a. The policies regarding the approval of a decoration and the credit of a decoration for promotion purposes are two separate and distinct policies. Current Air Force promotion policy (AFI 36-2502, Table 2.2, Rule 5, Note 2) dictates that before a decoration is credited for a specific promotion cycle, the close-out date of the decoration must be on or before the promotion eligibility cutoff date (PECD), and the date of the DECOR-6, Request for Decoration Printout (RDP) must be before the date of selections for the cycle in question. Each promotion cycle has an established PECD which is used to determine what Air Force Specialty Code (AFSC) or Chief Enlisted Manager (CEM) Code the member will be considered for promotion in, as well as which performance reports and decorations will be used in the promotion consideration. In addition, a decoration that a member claims was lost, downgraded, etc., must be fully documented and verified that it was placed into official channels prior to the selection date. This also includes a decoration that was disapproved initially but subsequently resubmitted and approved.

b. The decoration does not meet the criteria for promotion credit during the 9635 cycle because there is no tangible evidence the resubmitted decoration was placed into official channels prior to the date selections for the 9635 cycle were

made. This policy was initiated 28 February 1979 to specifically preclude personnel from subsequently (after promotion selections) submitting someone for a decoration with a retroactive decoration effective date (close out) so as to put them over the selection cutoff score. Exceptions to the above policy are only considered when the airman can support a previous submission with documentation or statements including conclusive evidence that the recommendation was officially placed in military channels within the prescribed time limit and conclusive evidence the recommendation was not acted upon through loss or inadvertence. In accordance with AFI 36-2803, paragraph 3.1 a decoration is considered to have been placed in official channels when the decoration recommendation is signed by the initiating official and indorsed by a higher official in the chain of command.

c. Documentation included in the applicant's case file reflects the resubmitted package was not officially placed into military channels until after selections for the 9635 cycle were accomplished. The resubmission package was not accomplished until 31 July 1996, which was after promotions for the 9635 cycle were completed (19 July 1996) and announced (31 July 1996). While they are acutely aware of the impact this recommendation has on the applicant's career, the fact is the decoration was not submitted until after selections for this cycle were made. To approve the applicant's request would not be fair or equitable to many others in the same situation who miss promotion selection by a narrow margin and are not entitled to have an "after the fact" decoration count in the promotion process. Therefore, they recommend denial of his request.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the Air Force evaluation and provides a statement from the squadron commander, which is indorsed by the group and wing commanders.

The applicant's commanders state that they realize and appreciate the reluctance of the system to incorporate awards closing out after selection dates; however, the Air Medal was clearly not of the type or character designed to "game the system". They also state that this was a combat decoration, highly visible, and awarded to the entire crew, not just one individual.

The applicant's complete response, with attachments, is attached at Exhibit E.

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. After reviewing the evidence of record and applicant's submission, we believe that circumstances beyond the applicant's control prevented the award of the AM, 1 OLC, in time to meet the 9635 promotion cycle. While we are aware of the Air Force policies regarding approval of a decoration and credit of a decoration for promotion purposes, we feel the award of the **AM**, 1 OLC, was delayed for an inordinate amount of time because the applicant was involved in Operation United Shield and the squadron was awaiting the outcome of other pending decorations, which was through no fault of the applicant. Had the **AM**, 1 OLC, been awarded within a reasonable period of time, it would have been considered in the promotion process for cycle 96E5. Therefore, we recommend his records be corrected to the extent indicated below.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that the Recommendation for Decoration Printout for the Air Medal, First Oak Leaf Cluster (**AM**, 1 OLC) awarded for outstanding achievement while participating in aerial flight on 31 August 1995, was prepared on 30 March 1996, rather than 31 July 1996.

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 9635.

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 applicant 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.

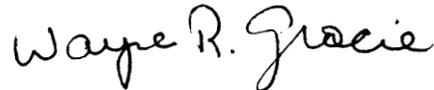
If supplemental promotion consideration results in the selection for promotion to the higher grade, immediately after such promotion the records shall be corrected to show that he was promoted to the higher grade on the date of rank established by the supplemental promotion and that he is entitled to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

The following members of the Board considered this application in Executive Session on 12 November 1998, under the provisions of AFI 36-2603:

Mr. Wayne R. Gracie, Panel Chair
Mr. Dana J. Gilmour, Member
Mr. Allen Beckett, Member
Mr. Phillip E. Horton, Examiner (without vote)

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

- Exhibit A. DD Form 149, dated 10 Oct 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPPWB, dated 14 Oct 97 w/atchs.
- Exhibit D. Letter, AFBCMR, dated 17 Nov 97.
- Exhibit E. Letter, Applicant, dated 25 Nov 97, w/atrch.



WAYNE R. GRACIE
Panel Chair



DEPARTMENT OF THE AIR FORCE

WASHINGTON, D. C.

JAN 04 1999

Office of the Assistant Secretary

AFBCMR 97-02966

MEMORANDUM FOR THE CHIEF OF STAFF

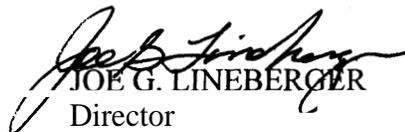
Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED] be corrected to show that the Recommendation for Decoration Printout for the Air Medal, First Oak Leaf Cluster (AM, 1 OLC) awarded for outstanding achievement while participating in aerial flight on 31 August 1995, was prepared on 30 March 1996, rather than 31 July 1996.

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 96E5.

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 applicant 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