

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-03298

JUN 26 1998

COUNSEL: None

HEARING DESIRED: No --

APPLICANT REQUESTS THAT:

The Officer Selection Brief (OSB) reviewed by the Calendar Year 1997 (CY97.C) Major Selection Board be corrected and he be given consideration for promotion by Special Selection Board (SSB).

APPLICANT CONTENDS THAT:

The OSB did not reflect his correct overseas duty history and the source of his commission should be reflected as Reserve Officer Training Corps (ROTC) 2 year instead of ROTC 4 year. After feedback from his commander, he discovered that temporary duty (TDYs) should be reflected on the OSB. The source of commission was his oversight and it has been corrected at his Military Personnel Flight (MPF).

The applicant's submission is attached at Exhibit A.

STATEMENT OF FACTS:

The applicant is currently serving on extended active duty in the grade of captain.

He has one nonselection by the CY97C major selection board.

The following is a resume of his OPRs since promotion to captain.

| <u>PERIOD ENDING</u> | <u>OVERALL EVALUATION</u> |
|----------------------|---------------------------|
| 23 May 1991 | Meets Standards (MS) |
| 23 May 1992 | MS |
| 23 Apr 1993 | MS |
| 23 Apr 1994 | MS |
| 23 Apr 1995 | MS |
| * 14 Jan 1996 | MS |
| 14 Jan 1997 | MS |

Note: * Top report on file when CY97C Major Board convened.

AIR FORCE EVALUATION:

The Air Force Conus Assignments Procedures Branch, AFPC/DPAIP1, reviewed the application and stated that upon reviewing the applicant's TDY Accumulator for the missing TDYs, it was noted that PC-III was updated to show his TDYs. In accordance with AFI 36-2110, the applicant had to serve TDY 300 days or more in a consecutive 18-month period to get credit for a Short Tour. Or 365 days or more in a consecutive 3 year period for a Long Tour. He had two TDYs, one for 15 days and the other for 19 days. Based on this information, they recommended denial.

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

The Appeals and SSB Branch, AFPC/DPPPA, reviewed the application and stated that the two overseas duty history entries the applicant wants included on the OSB date back to 1994 and earlier, and the ROTC 4-year has been in the personnel data system (PDS) since the applicant entered the Air Force. The DOD Directive 1320.11 states, "A special selection board shall not...consider any officer who might, by maintaining reasonably careful records, have discovered and taken steps to correct that error or omission on which the original board based its decision against promotion." It is obvious that the errors claimed were discoverable at the time they occurred. The applicant provided nothing convincing that the errors were not discoverable until September 1997, nor has he offered a concrete explanation for filing late. It is noted that the TDYs to Korea and Canada has been updated in PC-III. According to the assignments section, the TDYs would not have been included on his OSB. Therefore, there is no basis for promotion reconsideration on this issue. The applicant also contends that the source of commission should reflect ROTC 2-year versus ROTC 4-year. They noted this information was also reflected on his OSBs for his below-the-promotion zone (BPZ) boards - CY95A and CY96A major boards. The Officer Preselection Brief (OPB) that is sent to each eligible officer several months prior to a selection board contains data that will appear on the OSB at the central board and written instructions attached give specific instructions to carefully examine the brief for completeness and accuracy. If this information was incorrect for his in-the-promotion zone (IPZ) board, then it was also incorrect when he was considered BPZ. The applicant was given two opportunities prior to the CY97C board to review his OPB and get this information corrected. While it may be argued that the contested information were factors in the applicant's nonselection, there is no clear evidence that the alleged discrepancies negatively impacted his promotion opportunity. Based on the evidence provided, they recommend denial of the request.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the evaluations were forwarded to the applicant on 5 January 1998 for review and comment within 30 days. As of this date, no response has been received in this office.

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 probable error or injustice. After thoroughly reviewing the evidence presented, we are not persuaded that the requested relief is warranted. Applicant contends that his temporary duty (TDY) assignments to Canada and Korea should be reflected on his officer selection brief (OSB). On the contrary, in accordance with the governing instruction, applicant would have had to serve TDY 300 or more days in a consecutive 18-month period to gain credit for a short tour or 365 days or more in a consecutive 3-year period to qualify for a long tour. Applicant's total TDY amounted to 34 days, hardly enough time to entitle him to overseas credit. Further, as noted by the Air Force, TDYs are not listed on OSBs. With regard to the ROTC issue, we note that this discrepancy has been in applicant's records since his entry on active duty and he has taken no steps to have it corrected until his nonselection by the CY97C board, nor did he exercise his right to communicate with the board president about his concerns. The Air Force has indicated that the central boards evaluate the entire officer record and it is highly unlikely the erroneous source of his commission was the cause of his nonselection. After reviewing the evidence of record, we are in complete agreement with the comments of the Air Force. In view of the above, we are compelled to conclude that the source of his ROTC commission was a harmless error. Therefore, we find no basis upon which to recommend favorable action on this application.

THE BOARD DETERMINES THAT:

The applicant be notified that the 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 2 June 1998, under the provisions of AFI 36-2603:

Mr. LeRoy T. Baseman, Panel Chair
Mr. Joseph G. Diamond, Member
Ms. Peggy E. Gordon, Member
Ms Kay Byrne, Examiner (without vote)

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 28 Oct 97 with atchs.
Exhibit B. Applicant's Master Personnel Records.
Exhibit C. Letter, AFPC/DPAIPI, dated 11 Dec 97,
Exhibit D. Letter, AFPC/DPPPA, dated 17 Dec 97.
Exhibit E. Letter, AFBCMR, dated 5 Jan 98.



LEROY T. BASEMAN
Panel Chair