

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

[REDACTED]

[REDACTED]

DOCKET NUMBER: 97-03761

COUNSEL: NONE

HEARING DESIRED: NO

NOV 13 1998

APPLICANT REQUESTS THAT:

1. The close out date of the Meritorious Service Medal, 2nd Oak Leaf Cluster (MSM 20LC) for the period 13 August 1988 to 22 September 1995, be changed to something after 16 October 1995.
2. His records, to include an Officer Selection Brief (OSB) reflecting award of the MSM 20LC, be considered for promotion to the grade of colonel by Special Selection Board (SSB) for the Calendar Year 1996 (CY96) Central Colonel Board.

APPLICANT CONTENDS THAT:

He arrived at his new duty station on 30 October 1995. He received notice of the pending promotion board for O-6 and made numerous attempts to get this award noted in his records. He worked with the Military Personnel Flight (MPF) to update the data and felt confident that his records were updated. He was nonselected for promotion and had not reviewed his records until he received notification of the next board that his records did not properly reflect the award. The close out date of the MSM, 20LC should be changed and his records should be submitted for a supplemental board after his rater has the chance to review his promotion recommendation as he believes it could have had an impact.

Applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

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

Applicant was considered and not selected for promotion to the grade of colonel by the CY95B, CY96B and CY97B boards.

OPR profile since 1991, follows:

<u>PERIOD ENDING</u>	<u>EVALUATION OF POTENTIAL</u>
20 Jun 91	Meets Standards
20 Jun 92	Meets Standards
15 May 93	Meets Standards
15 May 94	Meets Standards
#15 May 95	Meets Standards
##15 May 96	Meets Standards
###15 May 97	Meets Standards

#Top report on file at time of the CY95B Central Colonel Board.
 ##Top report on file at time of the CY96B Central Colonel Board.
 ###Top report on file at time of the CY97B Central Colonel Board.

AIR FORCE EVALUATION:

The Chief, Promotion, Evaluation and Recognition Division, AFPC/DPPP, reviewed the application and states that the applicant contends the close out date for the MSM, 20LC should be some time after 16 October 1995 instead of 22 September 1995, yet he did not include anything, such as an amended citation or special series order, to substantiate his contention. Therefore, they conclude the closeout date of the award is accurate. They further state that they agree with the applicant's contention that the MSM, 20LC, was not reflected on his OSB for the CY96B board. However, the citation was filed in his OSR on 11 December 1995 and was, therefore, in evidence for review by the promotion board and factored into the original promotion evaluation. Although the applicant claims he was in constant communication with the MPF from the time he arrived on station in October 1995, he failed to provide any documentation of his efforts prior to the promotion board held in December 1996. The copies of the two pages from the records review rip were extracted from Personnel Concepts III (PCIII) in December 1997. There is no documentation of the applicant's efforts to update his decoration history prior to the CY96B board. In addition, he could have written a letter to the CY96B board president to ensure the board was knowledgeable of the existence of the award, if he felt the presence of the citation alone was not sufficient for the board. However, they do not find any record that the applicant wrote such a letter to the board president. They, therefore, are not convinced the applicant exhausted all efforts to ensure his records were accurate prior to the promotion board. By his own admission, he was unaware it was missing until after the board. Since the citation was filed in the OSR on 11 December 1995, they strongly recommend denying the applicant's request for SSB consideration on this issue.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

On 9 February 1998, a complete copy of the Air Force evaluation was forwarded to the applicant for review and response within 30 days. As of this date, no response has been received by 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. Applicant contends that the close out date of the contested MSM should be on or after 16 October 1995. However, as noted by the Air Force he did not provide any evidence to substantiate that the close out date on the MSM is in error or unjust. Applicant also appears to be requesting that his records, to include an OSB reflecting award of the MSM, 2OLC, be considered for promotion to the grade of colonel by SSB for the CY96 selection board. We note that his OSB prepared for the CY96 board did not reflect the award; however, the citation accompanying the award was in his selection folder. The Air Force has indicated that the citation was in evidence for review by the promotion board and factored into the original promotion board evaluation. We believe that promotion boards evaluate the entire officer record, and it is highly unlikely the omission of the MSM in question from his OSB was the cause of his nonselection. In view of the above, we are compelled to conclude that the omission of the award on his OSB 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 10 September 1998, under the provisions of AFI 36-2603:

Mr. David C. Van Gasbeck, Panel Chair
Dr. Gerald B. Kauvar, Member
MS. Rita J. Maldonado, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 12 Nov 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPP, dated 22 Jan 98.
- Exhibit D. Letter, AFBCMR, dated 9 Feb 98.



DAVID C. VAN GASBECK
Panel Chair



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

22 JAN 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPP
550 C Street West, Suite 8
Randolph AFB TX 78150-4710

SUBJECT: [REDACTED]

Requested Action. Applicant requests special selection board (SSB) consideration by the CY96B (2 Dec 96) (P0696B) central colonel selection board with a corrected officer selection brief (OSB) reflecting award of the Meritorious Service Medal, 2nd Oak Leaf Cluster (MSM, 2OLC) sometime after 16 Oct 95.

Basis for Request. The applicant contends the date of the award for the MSM, 2OLC, was erroneous. He also asserts he was unaware the contested award was not present on his OSB until he received his notification for the subsequent board.

Recommendation. Deny.

Facts and Comments

a. Application is timely. AFI 36-2401, Correcting Officer and Enlisted Evaluation Reports, does not apply in this instance. Applicant has two nonselections for promotion to the grade of colonel by the CY95B (10 Oct 95) (P0695B) and P0696B boards. He was also considered by the CY97B (8 Dec 97) (P0697B) board; however, results of that board are not releasable at this time.

b. In support of his appeal, the applicant submits a copy of two pages of a records review rip.

c. The applicant contends the close out date for the MSM, 2OLC should be some time after 16 Oct 95 instead of 22 Sep 95. Yet, he did not include anything, such as an amended citation or special series order, to substantiate his contention. We, therefore, conclude the closeout date of the award is accurate.

d. The applicant further contends the MSM, 2OLC, was not reflected on his OSB for the P0696B central colonel selection board. We agree. However, the citation was filed in his OSR 11 Dec 95 and was, therefore, in evidence for review by the promotion board and factored into the original promotion evaluation. Although the applicant claims he was in constant communication with the MPF from the time he arrived on station in October 95, he failed to

9703761

provide **any** documentation of **his** efforts dated prior to the promotion board held in Dec **96**. **We** note the copies of the two pages **from** the records review rip were extracted **from** Personnel Concepts III (PCIII) in December **97**. There is no documentation of the applicant's efforts to update his decoration history prior to the P0696B board. **In** addition, he could have written a letter **to** the P0696B board president to ensure **the** board was knowledgeable of the existence of the award, if he felt **the** presence of the citation alone **was** not sufficient for **the** board. However, we do not find **any** record the applicant wrote such a letter to the board president. We, therefore, are not **convinced** he exhausted all efforts to ensure his records were accurate prior to the promotion board. **By** his own admission, he **was** unaware it was **missing** until after the board. Since the citation **was** filed in the OSR 11 Dec **95**, **we** strongly recommend denying the applicant's request for **SSB** consideration on **this** issue.

Summary. **Based** on the **lack** of evidence provided, our recommendation of denial is appropriate.



Ch, Promotion, Evaluation and Recognition Div
Director of Personnel Program Management



920 3761

-