

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-00391

COUNSEL: NONE

NOV 13 1996

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His records, to include the Joint Service Commendation Medal (JSCM) and the Officer Performance Report (OPR), closing 15 June 1996, be considered by Special Selection Board (SSB) for promotion to the grade of lieutenant colonel for the Calendar Years 1996C (CY96C) and CY97C lieutenant colonel selection boards.

APPLICANT CONTENDS THAT:

The reasons the applicant believes the records to be in error or unjust and the evidence submitted in support of the appeal are at Exhibit A.

STATEMENT OF FACTS:

The relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the letters prepared by the appropriate offices of the Air Force. Accordingly, there is no need to recite these facts in this Record of Proceedings.

AIR FORCE EVALUATION:

The Chief, Appeals and SSB Branch, AFPC/DPPPA, reviewed this application and states that since the memorandum awarding the JSCM was not written until after the CY96C and CY97C selection boards and there is no indication a delay occurred in the processing of the decoration, SSB consideration is not warranted.

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 provided a response which is attached at Exhibit E.

ADDITIONAL AIR FORCE EVALUATION:

The Acting Chief, Appeals and SSB Branch, AFPC/DPPPA, reviewed this application and states that the contested OPR was not required to be filed in the applicant's records until after the CY96C selection board. Although the OPR was filed 6 days late, it was not overdue at the time the CY96C board convened.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A complete copy of the Air Force evaluation was forwarded to the applicant on 29 June 1998, for review and response within 30 days. However, 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. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinions and recommendations of the Air Force and adopt their rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice. Therefore, in the absence of evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application.
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THE BOARD DETERMINES THAT:

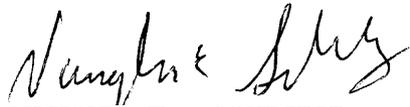
The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered this application in Executive Session on 29 October 1998, under the provisions of AFI 36-2603:

Mr. Vaughn E. Schlunz, Panel Chair
Mr. Loren S. Perlstein, Member
Mr. Terry A. Yonkers, Member
Mr. Phillip E. Horton, Examiner (without vote)

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 30 Jan 98, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPPA, dated 24 Feb 98.
- Exhibit D. Letter, AFBCMR, dated 9 Mar 98.
- Exhibit E. Letter, Applicant, dated 21 Mar 98.
- Exhibit F. Letter, AFPC/DPPPA, dated 16 Jun 98.
- Exhibit G. Letter, AFBCMR, dated 29 Jun 98.


VAUGHN E. SCHLUNZ
Panel Chair



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

16 JUN 1998

MEMORANDUM FOR AFBCMR

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

SUBJECT: Application for Correction of Military Records -
AFBCMR Doc #98-0039 [REDACTED]

This memorandum will address the applicant's 21 Mar 98 rebuttal comments to our 24 Feb 98 advisory. We will address his comments on both the decoration and OPR issues.

In his letter, the applicant claims the Joint Service Commendation Medal (JSCM), inclusive dates Dec 95 - Jul 96, was not awarded to him within the 12 months prescribed in DoD 1348.33-M. He is partially correct. The decoration was not awarded to him within a year. It was approved (awarded to him) the thirteenth month after the recognized period of service. However, the governing directive does not require the decoration to be approved within 12 months. Rather, it states the decoration must be **placed in official channels** within one year of the act, achievement, or service recognized. By definition, placement in official channels means *the recommendation has been signed by the initiating official and endorsed by a higher official in the chain of command*. The decoration was obviously placed into official channels (signed and endorsed by the recommending officials) within the one year time frame since the memorandum awarding the decoration was prepared and signed in Aug 97, **after** the processing procedures were completed, and it had been approved by the issuing authority.

The applicant believes the decoration citation should have been present in his officer selection record (OSR) for the P0597C board's review. We do not agree. While the period of service occurred prior to the P0597C board, the decoration did not exist in Jul 97 when the board convened. The decoration became "real" 11 Aug 97, three weeks **after** the board. Even if the applicant had received a copy of the memorandum on the day it was signed, it would not have been required to be filed in his OSR until 10 Oct 97, some 3 months **after** the board convened in July. As we pointed out in our previous advisory, the applicant claims he took the decoration to his Military Personnel Flight (MPF) in January for entry into his records. However, it was not filed in his OSR when we received his original request in February. We filed the citation in his records on 19 Feb 98.

The applicant contends his 15 Jun 96 officer performance report (OPR) was "required" to be filed in his OSR for the CY96C (8 Jul 96) (P0596C) central lieutenant colonel selection board. We disagree. OPRs are not required to be filed in the OSR until 60 days after the OPR closeout date (AFR 36-10, paragraph 3.1.1.e). In this instance, the OPR closed out 15 Jun 96 and was

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“required” to be filed in his OSR by 14 Aug 96. Even though the OPR was not filed in his OSR until 20 Aug 96 (6 days late), it was not required to be filed when the P0596C board convened in Jul 96. Most importantly, we find no evidence he wrote a letter to the P0596C board president prior to the board to ensure they were aware of his most recent accomplishments. It was his responsibility to do so if he considered them important to his promotion consideration. He also does not indicate what efforts he made to ensure the report was filed prior to the board, nor does he provide statements from the evaluators to show what their intentions were. We note the final evaluator signed the report on 12 Jul 96, after the P0596C board convened.

The applicant believes his organization did not make attempts to expedite his decoration and OPR and believes it is now impossible to contact anyone, including the director, to substantiate his claims because the unit has disbanded. The burden of proof is on the applicant. He has not substantiated the contested decoration was delayed. Although the OPR was filed 6 days late, it was not overdue at the time the board convened.


Joyce E. Hogan
JOYCE E. HOGAN

Acting, Chief, Appeals and SSB Branch
Directorate of Personnel Program Mgt

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

24 FER 1996

MEMORANDUM FOR AFBCMR

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

SUBJECT: [REDACTED]

Requested Action. The applicant requests special selection board (SSB) consideration by the CY 96C (8 Jul 96) (P0596C) and CY97C (21 Jul 97) (P0597C) central lieutenant colonel selection boards with inclusion of the Joint Service Commendation Medal (JSCM), inclusive dates December 1994 to July 1996 in his officer selection record (OSR).

Basis for Request. The applicant believes the absence of the JSCM, awarded to him 13 months after his tour completion at the Office of the Secretary of Defense, presented a negative image of him to the promotion boards and most likely contributed to his nonselection to the grade of lieutenant colonel.

Recommendation. Deny.

Facts and Comments.

- a. The application is timely. AFI 36-2401, Correcting Officer and Enlisted Evaluation Reports, does not apply in this instance.
- b. DOD Manual 1348.33-M, Manual of Military Decorations and Awards, 12 Sep 96, and AFI 36-2803, The Air Force Awards and Decorations Program, 15 Aug 94, are the governing directives.
- c. In support of his appeal, the applicant included a copy of the citation, decoration and order for the JSCM.
- d. We are not convinced by the applicant's contention that the JSCM should have been considered by the P0596C and P0597C boards. DOD Manual 1348.33-M states, "Each recommendation for a Defense decoration must be entered administratively into command or staff channels within one year of the act, achievement, or service to be recognized." The applicant's period of service for the JSCM ended July 1996. The memorandum awarding the JSCM was written 11 August 1997, well within regulatory requirements. We noted the decoration is still not on file in the applicant's OSR. We further note the awarding memorandum states in bold, all capital letters and underlined text, "Individual(s) must ensure a copy of the

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certificate, citation, and order are placed in their personnel records.” Although it was clearly the applicant’s responsibility to ensure this decoration was forwarded for file and entered into the Personnel Data System (PDS), we provided a copy of the decoration to HQ AFPC/DPPBR3 for filing in his OSR on 19 Feb 98. It is still the applicant’s responsibility to ensure his servicing Military Personnel Flight (MPF) receives a copy of the awarding memorandum for file in the Unit Personnel Record Group (UPRG) and update in the PDS. The fact the citation for the JSCM was filed beyond the 60 days required is irrelevant. Since a decoration **does not exist** until a special order is cut (or in the case of the JSCM, an awarding memorandum), it **was not** required to be filed when the P0596C or P0597C promotion boards convened, nor in fact did it exist at that time. We are provided no indication from the rating chain nor the approval authority that a delay occurred in the processing of the applicant’s decoration, or that it was their intention it be submitted for approval in time for either promotion board’s review. Since the applicant’s decoration was not delayed, and was accomplished in direct accordance with applicable regulations, SSB consideration is not warranted.

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



MARIANNE STERLING, Lt Col, USAF
Chief, Appeals and SSB Branch
Directorate of Personnel Program Mgt

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