

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-00628

COUNSEL: NONE

FEB 19 1999

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

He be considered for promotion to the grade of lieutenant colonel by Special Selection Board (SSB) for the Calendar Year (CY) 1997C Lieutenant Colonel Board, with the Officer Performance Report (OPR) closing 2 June 1997 included in his record, and with a corrected primary Air Force Specialty Code (PAFSC).

APPLICANT CONTENDS THAT:

The selection board did not review his most current OPR. His superiors had every intention of having this OPR entered into his record, but due to circumstances beyond his control it did not make it to the board.

In addition to the overlooked OPR, his primary AFSC was incorrect B011B3N, selection Report Squadron Operations Maintenance (RIF) AFSC been added to his record for some unknown reason. During the screening of his records, this was overlooked by many, to include himself.

In support of his request, applicant provided his personal statement, supporting statements from the indorser on the OPR closing 2 June 1997, and the Chief of the Stan/Eval Division, and an OER/OPR suspense record. (Exhibit A)

STATEMENT OF FACTS:

Information extracted from the Personnel Data System (PDS) reflects applicant's Total Active Federal Military Service Date (TAFMSD) as 18 April 1982. He has served on continuous active duty, was integrated into the Regular component on 11 September 1989, and progressively promoted to the grade of major.

A resume of applicant's OERs/OPRs follows:

PERIOD CLOSING	OVERALL EVALUATION
7 Apr 83	Education/Training Report (TR)
13 Jun 83	TR
13 Feb 84	TR
13 Aug 84	1-1-1
13 Feb 85	1-1-1
7 Jan 86	1-1-1 (w/LOE)
24 Oct 86	1-1-1
24 Oct 87	1-1-1
24 Oct 88	1-1-1
21 Feb 89	Meets Standards (MS)
1 Feb 90	MS
1 Feb 91	MS
1 Feb 92	MS
1 Dec 92	MS
1 Dec 93	MS
29 Jul 94	MS
29 Jul 95	MS
23 Dec 95	MS
* 23 Dec 96	MS
# 2 Jun 97	MS
** 3 Mar 98	MS

* Top report in file when considered and not selected for promotion on by the CY97C Lt Col Board which convened on 21 July 1997.

- Contested report. The report was signed by the rater on 27 June 1997, and by the additional rater/reviewer on 14 July 1997.

** - Top report in file when considered and not selected for promotion or by the CY98B Lt Col Board which convened on 1 June 1998.

AIR FORCE EVALUATION:

The Appeals and SSB Branch, AFPC/DPPPA, reviewed this application on and recommended denial. Their comments, in part, follow.

By regulation, OPRs on extended active duty (EAD) officers are due ue to HQ AFPC/DPPBR3 (Headquarters Air Force Personnel Center) no later than 60 days after closeout. DPPPA noted the OPR was signed ad by the additional rater/reviewer on 14 Jul 97. The additional rater/reviewer returned the report "expeditiously" to Eglin AFB and claims the OPR was filed in the applicant's unit personnel record group (UPRG) on 18 Jul 97. It is apparent the applicant's military personnel flight (MPF) processed the OPR through normal channels because the report was not filed in the applicant's OSR at HQ AFPC until 14 days later. Although the additional rater/reviewer of contends he intended to have the OPR in the applicant's record for the CY97C board, DPPPA did not agree. Had the raters of the report

"flagged" the OPR properly, personnel at the applicant's MPF would have taken extra measures to ensure it was processed expeditiously, for example, "faxed," to AFPC in time to be considered by the promotion board. In addition, the applicant did not provide any support from the MPF claiming they "dropped the ball" and failed to expedite the report. Since the applicant's OPR was due and timely filed in his OSR on 1 Aug 97, DPPPA concludes the report was processed in direct accordance with the governing directive and SSB consideration is not warranted.

DPPPA is confused by applicant's request regarding the erroneous DAFSC on the "selection RIP." They assume he is referring to the officer selection brief (OSB). After careful review of the OSB, they did not find any DAFSC entry "B011B3N." The most recent entry in the DAFSC column is "Q11F3Y."

Each eligible officer considered by the CY97C board received detailed instructions for review of their preselection briefs and associated records. If the applicant believed his accomplishments over the last six months were critical to his promotion consideration, he could have detailed those accomplishments in a letter to the board president. However, DPPPA did not find any record **the** applicant wrote such a letter to the board president and strongly recommend denying the applicant's request for SSB consideration on this issue.

The complete evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Applicant reiterated his contentions that both his rater and reviewer had intended for the OPR closing 2 Jun 97 to be in his records.

He further stated that in his letter attached to his application he stated his *primary* AFSC was incorrect not his *duty* AFSC as stated in the advisory opinion. The pre-selection brief he received in Jun 97 had his correct duty AFSC; however, his primary AFSC was incorrect (copy attached).

As to his not writing a letter **to** the board president, applicant stated he has always trusted the system to work for him and did not see a need to write a letter based on that foundation. In addition, he was satisfied with his record and had no excuses to argue in his behalf.

Applicant's response is 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. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. By regulation, the OPR closing 2 June 1997 was not required to be filed in the applicant's records until 60 days after the closeout date. Therefore, it **was** not required to be filed in his Officer Selection Record (OSR) for consideration by the CY97C Lieutenant Colonel Board, which convened on 21 July 1997. We reviewed the statement provided by the additional rater/reviewer on the 2 June 1997 OPR, who indicated it was his intention that the report be included in the applicant's record considered by the cited selection board. However, the convening dates of selections boards are widely publicized. Therefore, it was incumbent upon the members of the applicant's rating chain to follow the processing of the OPR to insure that it reached his selection folder prior to the convening of the promotion board, if they desired it to be considered. This was especially critical in view of the short period of time between the date the report closed and the convening date of the promotion board. Based on the evidence provided, we are not persuaded that the processing of the contested report took an inordinate amount of time or that it was processed contrary to the governing regulation. We also noted applicant's contention that his primary AFSC was incorrect on his "selection Report on Individual Personnel." However, primary AFSCs are not reflected on officer selection briefs reviewed by promotion selection boards, only the member's duty AFSCs are shown. Based on the foregoing, and in the absence of persuasive evidence that the applicant's records were improperly constituted when he was considered for promotion by the CY97C Lieutenant Colonel Board, we conclude that there is no basis upon which to recommend granting the relief sought in 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 6 October 1998, under the provisions of AFI 36-2603:

Mr. Michael P. Higgins, Panel Chair
Mr. Steven A. Shaw, Member
Ms. Ann L. Heidig, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 24 Feb 98, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPPA, dated 12 Mar 98, w/atch.
- Exhibit D. Letter, SAF/MIBR, dated 19 Mar 98.
- Exhibit E. Letter, Applicant, dated 3 Apr 98, w/atchs.


MICHAEL P. HIGGINS
Panel Chair