

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

16 OCT 1998

IN THE MATTER ,OF:

DOCKET NO: 98-00733

COUNSEL: None

HEARING DESIRED: No

Applicant requests that his date of rank to lieutenant colonel be changed. Applicant's submission is at Exhibit A.

The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit C). The advisory opinion was forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinion appear to be based on the evidence of record and have not been rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Mr. Vaughn E. Schlunz, Mr. Richard A. Peterson, and Mr. Patrick R. Wheeler considered this application on 29 September 1998 in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.



Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinion
- D. AFBCMR Ltr Forwarding Advisory Opinion



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

21 May 98

MEMORANDUM FOR AFBCMR
1535 Command Drive
EE Wing, 3rd Floor
Andrews AFB MD 20331-7001

FROM: HQ AFPC/DPPAOR
550 C Street West, Suite 10
Randolph AFB TX 78150-4712

SUBJECT: Application for Correction of Military Record (DD Form 14 [REDACTED])

Requested Action: Applicant states his date of rank to Lieutenant Colonel should be adjusted from 21 Sep 89 to 10 Apr 91.

Basis for Request: [REDACTED] claims promotion rates drop significantly for officers considered for promotion above-the-zone. He has asked for a date of rank adjustment so it will afford him the opportunity to compete for promotion to colonel on a more equal basis.

Background: When [REDACTED] applied for an appointment in the Air Force medical corps, he had 18 years, 6 months, and 27 days of constructive service credit. Therefore, he was commissioned a major, pending Senate confirmation to lieutenant colonel. Upon Senate confirmation, 21 Sep 89, he was promoted to lieutenant colonel. He subsequently accepted a four-year active duty tour, and entered active duty as a LtCol with a date of rank of 21 Sep 89—date of Senate confirmation. Once his tour was over, he transferred to the Air Force Reserves maintaining the grade and date of rank he held on active duty. Upon his reentry onto active duty in 1997, he retained the grade and date of rank held in his Reserve unit in accordance with the DoD Directive 1310.1, Rank and Seniority of Commissioned Officers.

Facts: [REDACTED] wants his date of rank adjusted in accordance with AFI 36-2604, paragraphs 7.5.1.1 and 7.5.1.2, effective 20 May 94. However, this regulation does not apply to him because in accordance with DoDD 1310.1, implemented 1 Oct 96, he was a Reserve officer in transition from the Reserve Active Status List to the Active Duty List. As a result, he retained the grade and date of rank he held in his Reserve unit.

Recommend denial. This office does not have the authority to override the date of rank established by the Senate and DoD Directive 1310.1, and it really does not matter which date of rank he holds as a lieutenant colonel. [REDACTED] is still considered overdue for promotion to colonel, and will meet the November 1998 MC/DC colonel promotion board—in-the-promotion-

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zone. If selected for promotion to colonel, regardless of what date of rank he has, his date of rank to colonel will be the date of Senate confirmation of the 1998 MC/DC Colonel Promotion List.



ERSKINE D. HIOTT, Major, USAF
Chief, Officer Accessions Branch
Dir of Personnel Program Management

