

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

FEB 24 1999

IN THE MATTER OF:

DOCKET NUMBER: 98-01530

COUNSEL: None

HEARING DESIRED: No

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APPLICANT REQUESTS THAT:

The Enlisted Performance Report (EPR) for the period 7 Feb 97 through 30 Nov 97 be removed from his records.

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APPLICANT CONTENDS THAT:

There were not enough days of supervision "to justify a rating of this caliber." The rater supervised him for 100 days or less, not 132 days as reflected on the EPR. He tried to obtain travel vouchers [on the rater] under 'the Freedom of Information Act (FOIA) to prove his case but has been unsuccessful.

A copy of applicant's complete submission is at Exhibit A.

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STATEMENT OF FACTS:

Applicant is currently serving in the Regular Air Force in the grade of staff sergeant.

Applicant filed a similar appeal under the provisions of AFI 36-2401, which was denied by the Evaluation Report Appeal Board (ERAB) on 28 Apr 98.

EPR profile since 1992 reflects the following:

PERIOD ENDING	OVERALL EVALUATION
10 Feb 92	4
20 Jun 92	4
7 Jan 93	5
11 May 93	4
6 Feb 94	4
6 Feb 95	4
6 Feb 96	5
6 Feb 97	5
*11 Nov 97	4

\* Contested report.

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AIR FORCE EVALUATION:

The Chief, Inquiries/AFBCMR Section, HQ AFPC/DPPPWB, reviewed this appeal and states that, if a favorable decision is received by 1 May 00, supplemental promotion consideration for cycle 00E6 for technical sergeant would not be necessary.

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

The Chief, BCMR & SSB Section, HQ AFPC/DPPPA, also evaluated the case and states that AFI 36-2403 states that periods of 30 or more consecutive [emphasis advisory's] calendar days during which the ratee did not perform normal duties under the rater's supervision should be deducted from the total number of days of supervision. The Chief wishes to draw the Board's attention to the attached redacted computer printout, which shows the rater's temporary duty (TDY) schedule during the contested period. Not one of the rater's TDYs was for 30 or more consecutive calendar days. The applicant has provided nothing from the rater to support his claim of insufficient supervision. Therefore, this claim is without basis. The Chief believes that, since the applicant's two previous EPRs had an overall rating of "5," he is reacting to the "4" rating of the contested report. It is not feasible to compare reports covering different periods of time. No clarification/explanation is provided by the evaluators. The Chief concludes the EPR is accurate as written and recommends denial.

A copy of the complete Air Force evaluation, with attachments, is at Exhibit D.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Applicant reviewed the evaluations and states why he believes the contested EPR should be voided. He has been unable to get TDY/leave information under the Freedom of Information Act (FOIA). He believes the negative, low, and unsubstantiated rating will affect his promotion opportunities.

His complete rebuttal, with attachments, is at Exhibit F.

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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 a thorough review of the evidence of record and the applicant's submission, we are not persuaded the contested EPR should be voided. The applicant's contentions are duly noted; however, we do not find these uncorroborated assertions, in and by themselves, sufficiently persuasive to override the rationale provided by the Air Force. None of the evaluators provides supporting statements. Further, the rater determines what accomplishments are to be included in an EPR, and the lack of a mid-term feedback does not inherently flaw a report. The applicant has not substantiated his contentions that the report has insufficient days of supervision or is an inaccurate assessment of his performance for this particular rating period. In view of the above and absent persuasive evidence to the contrary, we find no compelling basis to recommend granting the relief sought.

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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.

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The following members of the Board considered this application in Executive Session on 3 December 1998, under the provisions of AFI 36-2603:

Mrs. Barbara A. Westgate, Panel Chair  
Dr. Gerald B. Kauvar, Member  
Ms. Rita J. Maldonado, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 26 May 98, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, HQ AFPC/DPPPWB, dated 10 Jun 98.
- Exhibit D. Letter, HQ AFPC/DPPPA, dated 15 Jun 98.
- Exhibit E. Letter, AFBCMR, dated 29 Jun 98.

  
BARBARA A. WESTGATE  
WESTGATE  
Panel Chair