

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-01851

COUNSEL: NONE

JAN 29 1999

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His record be considered for promotion to the grade of major by Special Selection Board (SSB) for the Calendar Year 1997 (CY97) Major Board.

APPLICANT CONTENDS THAT:

The Officer Performance Report (OPR) rendered for the period 27 June 1996 through 16 May 1997 was not filed in his Officer Selection Record (OSR) prior to the CY97C board.

In support of the appeal, applicant submits a personal statement and the OPR closing out 16 May 1997.

He also submits a letter from Brig General Johnston, dated 29 June 1998, which states due to administrative delays related to the unit move, the 16 May 1997 OPR was not sent to AFMPC prior to the CY97 major board which convened on 16 June 1997. As the reviewer on the OPR, he had every intention that the OPR be a matter of record for the promotion board. The applicant was on leave enroute to a permanent change of station (PCS) to Moody AFB during the weeks prior to the board convening and, through no fault of his own, was unable to discover the omission or take corrective action prior to the board.

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 Captain.

Applicant was considered and not selected for promotion to the grade of major by the CY97C and CY98B Major Selection Boards.

OPRs are due to HQ AFPC/DPPBR3 no later than 60 days after closeout. The OPR closed out 16 May 1997 and was filed in his OSR 8 July 1998.

OPR profile since 1992 follows:

<u>PERIOD ENDING</u>	<u>EVALUATION OF POTENTIAL</u>
28 Mar 92	Meets Standards
28 Mar 93	Meets Standards
26 Jun 94	Meets Standards
26 Jun 95	Meets Standards
# 26 Jun 96	Meets Standards
* 16 May 97	Meets Standards
6 Jan 98	Meets Standards

* Contested report

Top report on file at time of the CY97C Major Board.

AIR FORCE EVALUATION:

The Chief, Appeals and SSB Branch, Directorate of Personnel Program Management, HQ AFPC/DPPPA, reviewed this application and states that the applicant contends the 16 May 1997 OPR should have been filed in his OSR when the selection board convened in June 1997. They do not agree. OPRs are due to HQ AFPC/DPPBR3 no later than 60 days after closeout. Since the OPR closed out 16 May 1997, it was not required to be filed in his OSR until 15 July 1998, a month after the board convened. They note the OPR was filed in his OSR 8 July 1998, within regulatory guidelines.

Although the reviewer from the report claims responsibility for the OPR not reaching AFPC until July 1997, the officer also knew his OPR was closing out a month before the board convened. He could have elected to write a letter to the CY97C board president identifying his most recent accomplishments in the event his OPR was not filed prior to the board. They find no evidence he wrote any such letter to the board, nor that he tracked the report from completion to file. Therefore, they recommend denial of applicant's request.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Applicant reviewed the Air Force evaluation and states that he understands that the OPR was not required by Air Force

instruction to be in his OSR. He contends that it is evident by the closeout date of the OPR, signature dates and verification by Brig General Johnston's memorandum, every intention was for the OPR to be considered by the selection board and that it should have been considered. He states he is not correcting a mistake, it is a matter of his OPR being processed in a timely manner. During the period in question, he was engaged in mission accomplishment (moving his unit safety office, conducting normal daily duties, arranging the movement of his household goods, out-processing, and finishing his masters thesis in order to complete his masters degree. It is reasonable diligence to follow-up on the progress of processing an OPR; he contends that these are by no means normal circumstances and that at some point it is reasonable to rely upon the chain of command.

Applicant's complete response is attached 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. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinion and recommendation 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. In addition, this Board is aware of the fact that many documents, including officer performance reports, are faxed to the central selection boards just prior to their convening and even during their evaluation process. Applicant has not provided any documentation to support that his rating chain attempted to have the contested report sent to the selection board after it was signed on 14 June 1997. Therefore, in the absence of evidence to the contrary, we find no compelling basis 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 19 November 1998, under the provisions of AFI 36-2603:

Mrs. Barbara A. Westgate, Panel Chair
Mr. Kenneth L. Reinertson Member
Ms. Ann L. Heidig, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 22 June 1998, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, HQ AFPC/DPPPA, dated 17 July 1998.
- Exhibit D. Letter, SAF/MIBR, dated 3 August 1998.
- Exhibit E. Letter, Applicant, dated 10 August 1998.


BARBARA A. WESTGATE
Panel Chair