

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

SEP 23 1995

IN THE MATTER OF:

DOCKET NUMBER: 96-01381

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

He be considered for promotion to the grade of lieutenant colonel by Special Selection Board (SSB) for the CY95 (6 November 1995) Medical Corps/Dental Corps (MD/DC) Lieutenant Colonel Selection Board, with a letter to the board president, and with corrections to his officer selection record (OSR).

APPLICANT CONTENDS THAT:

He was not afforded an opportunity to check his Promotion Recommendation Form (PRF) for accuracy and completeness and was not informed of the results of the Promotion Recommendation Board. He would like to address the PRF via a letter to the Board president with information on the Residency in Aerospace Medicine.

His Officer Selection Brief (OSB) did not reflect his current duty location, duty title and Air Force Specialty Code (AFSC) despite properly inprocessing at his servicing Military Personnel Flight (MPF) upon his initial arrival on 30 August 1995.

His promotion package and OSB academic information did not reflect the fact that he had been selected for and was attending Harvard University, School of Public Health, to work on a Masters Degree in Public Health. Had he been given the opportunity to view his PRF, he would have pointed out to his rater that he thought it important enough to include on the PRF, or he would have written a letter to the Management Level Evaluation Board (MLEB) or Central Selection Board President to inform them.

His promotion package does not reflect that the Residency in Aerospace Medicine now leads to medical board eligibility in two separate specialty boards - Aerospace Medicine and Occupational Medicine. This is a fact he thinks important enough to be included in a letter to the Board president, had he known it was not included in his PRF.

His Duty Air Force Specialty Code (DAFSC) for the period 28 June 1992 to 29 March 1993 should have been 9356A or 9356. He attempted to have this changed several times in the past and thought it was until he saw his Officer Preselection Brief (OPB). He identified

this as incorrect on his OPB in August 1995, but was told by his MPF that it was too late to change it because he was PCSing in a few days and that the MAJCOM had to do it. It was eventually corrected on 13 February 1996.

A memorandum requesting a missing citation for award of the Air Force Commendation Medal was never forwarded to him or his servicing MPF.

In support of his request, applicant provided his expanded comments, a letter to the CY95A MC/DC Promotion Board President, and documentation associated with the issues in this appeal. (Exhibit A)

STATEMENT OF FACTS:

Information extracted from the Personnel Data System (PDS) reflects applicant's Total Federal Commissioned Service Date as 6 June 1981. He was appointed in the Regular Air Force on 5 April 1985 and entered on extended active on that same date. He has served on continuous active duty since that time and is currently serving in the grade of lieutenant colonel, with a date of rank and effective date of 1 June 1997.

A resume of applicant's OERs/OPRs follows:

| <u>PERIOD CLOSING</u> | <u>OVERALL EVALUATION</u> |
|-----------------------|---------------------------|
| 25 Jun 82 | Education/Training Report |
| 25 Jun 83 | Education/Training Report |
| 25 Jun 84 | Education/Training Report |
| 19 May 85 | Education/Training Report |
| 30 Jun 86 | Education/Training Report |
| 5 Sep 86 | Education/Training Report |
| 5 Jun 87 | 1-1-X |
| 5 Jun 88 | 1-1-X |
| 5 Dec 88 | Meets Standards |
| 5 Jun 89 | Meets Standards |
| 30 May 90 | Meets Standards |
| 25 Oct 90 | Meets Standards |
| 16 May 91 | Meets Standards |
| 15 Apr 92 | Meets Standards |
| 15 Apr 93 | Meets Standards |
| 15 Apr 94 | Meets Standards |
| * 15 Apr 95 | Meets Standards |
| 24 May 96 | Meets Standards |

* Top report on file when considered and nonselected for promotion by the CY95 Medical Corps/Dental Corps (MC/DC) Lt Colonel Selection Board which convened on 6 November 1995.

Information extracted from applicant's Officer Selection Record reflects the citation to accompany the award of the Air Force Commendation Medal (AFCM), for the period 17 September 1986 to 26 June 1991, was filed in the applicant's record on 22 July 1996.

The last five duty history entries currently reflected in the PDS are as follows:

| | | |
|-----------|-------------|-------------------------------|
| 28 Jun 92 | <u>9356</u> | Deputy Chief, Flight Medicine |
| 13 Nov 92 | <u>9356</u> | Deputy Chief, Flight Medicine |
| 29 Mar 93 | 48A4 | Chief Flight Medicine |
| 29 Aug 95 | 48A1 | Stud Resident Aerospace Med |
| 3 Jun 96 | 48A1 | Resident Aerospace Med |

AIR FORCE EVALUATION:

The Directorate of Assignments, AFPC/DPAISI, stated applicant's duty history entries for August 1995 and June 1992 were previously corrected at base level, prior to their reviewing his appeal. Thus, no action is required by their office. (Exhibit C)

The Evaluation Programs Section, AFPC/DPPPEB, provided comments regarding the technical aspects with respect to applicant's PRF. DPPPEB noted that the applicant is not specifically requesting any changes to the PRF. AFR 36-10, para 4-9, states the ratee should receive a copy of the PRF approximately 30 days before the central board convenes. However, failure of the senior rater to accomplish this task does not void the report. If the applicant is approved for SSB consideration, DPPPEB recommended that he meet the board with the original PRF. (Exhibit D)

The Chief, Medical Accessions and Personnel Programs, AFPC/DPAMF2, reviewed this application and recommended denial, stating the preponderance of information presented indicates that the applicant did not exercise reasonable diligence in ensuring his official records were accurate. Their comments, in part, follow.

Senior raters complete PRFs based upon a review of the ratee's record of performance. They have no requirement to solicit input from subordinate commanders or supervisors, although some do. Since PRF evaluations are based upon officers' documented historical performance, the applicant's senior rater was under no requirement to make mention of the applicant's selection for a residency training program. If the applicant does not consider his PRF to be a fair and factual document, then he should appeal under the provisions of AFR 36-2401.. However, he has stated that his PRF is an accurate document.

Regardless of whether the applicant received a copy of his PRF prior to the promotion board convening date, he had the opportunity to write a letter to the promotion board. Information advising officers of their right to write letters to the board accompanies

the Officer Preselection Brief. Applicant's OPB is dated 6 August 1995 and he received it shortly after this date. If he believed this information was essential for his selection for promotion, then he had nearly three months--from Aug 95 to Nov 95--to forward a letter to the Board.

Applicant's duty title as Resident in Aerospace Medicine was effective 29 Aug 95. Therefore, his OPB, dated 6 Aug 95, was correct at the time it was prepared. Duty title changes are generally entered into the personnel data system within 60 days, although many take longer. The promotion board convened on 6 Nov 95, 67 days after the applicant's duty title change. The applicant had more than two months to contact HQ AFPC to get this change reflected, or to write a letter to the board before the convening date.

The academic information section of OSBs contains only information on education actually completed. Selection for or participation in a training program is not an authorized entry in this information field. Therefore, the applicant's OSB appropriately omitted this information.

The fact that his OSR did not reflect that completion of the Residency in Aerospace Medicine can lead to board certification in two separate specialties is completely irrelevant. First, he hadn't completed his residency at the time. Second, even if he had completed the residency, he would need to pass national specialty board examinations for board certification information to appear on his OSB/OSR.

No person or office is responsible for ensuring that promotion boards are aware that flight surgeons have a slightly different career path than other physicians. Promotion boards for all competitive categories score records of officers in different specialties and with various career paths. Selection board members make informed decisions based upon officers' records of performance.

The applicant had well over two years to get his duty title for the period 28 Jun 92 to 29 Mar 93 corrected and over four years to ensure the citation for the AFCM awarded in 1991 was in his OSR.

The complete DPMAF2 evaluation is at Exhibit E.

The Appeals and SSB Branch, AFPC/DPPPA, recommended denial of applicant's request, stating that while it may be argued that the contested errors were factors in the applicant's nonselection, there is no clear evidence that they negatively impacted his promotion opportunity. DPPPA's comments, in part, follow.

DPPPA concurred with DPAMF2's assessment (Exhibit E) addressing applicant's issues regarding an incorrect assignment, duty title, and DAFSC on the OSB.

With regard to academic information, DPPPA concurred with DPAMF2 on this issue and added the following information. In support of his appeal, applicant provided a letter, dated 7 Mar 96 (Ex A, atch B-1), from the Program Manager, Medical Dental Residency Program. The author stated the degree of BA+ with a completion date of 1996 should have been reflected on the OSB. DPPPA contacted the author of the letter who did some more research on the applicant's education. She indicated her initial letter was partially in error in that the degree should reflect "Med" as opposed to "BA+" and that the year of completion of 1996 is accurate. This being the case, the findings of DPMAF2 are right on target. DPPPA recommended denial on this issue.

Noting applicant's contention that his OSR did not reflect that the Residency in Aerospace Medicine now leads to medical board eligibility in two separate specialty boards--Aerospace Medicine and Occupational Medicine, DPPPA concurred with DPMAF2's assessment on this issue. Each officer eligible for promotion consideration is advised of the entitlement to communicate with the board president. The applicant could have used this means to discuss with the board president his participation in the residency program. However, he elected not to exercise this entitlement. DPPPA recommended denial - he had the opportunity and didn't take it.

Regarding the incorrect DAFSC's for the period 28 Jun 92 to 29 Mar 93, DPPPA noted that every officer receives an officer preselection brief (OPB) several months prior to a selection board. The OPB contains data that will appear on the OSB at the central board. In this case, since the applicant was considered two times in the below-the-promotion zone (BPZ) category, in addition to his in-the-promotion zone (IPZ) consideration, he had three opportunities to review his duty history for possible errors or omissions. The applicant provides no evidence to show he attempted to correct the contested data prior to his IPZ board let alone his two BPZ boards. The DAFSC applicant wants added to the contested OSB has an effective date that is four years old. DPPPA recommended denial on this issue.

Regarding the missing award citation, DPPPA stated even though the award was not on file for the board, it was in evidence before the board. The decoration was listed on the OSB assessed by the board members, Therefore, the board members were knowledgeable the award was given which is the ultimate purpose of including them in the promotion selection process. Since the board members were aware of the decoration, it was factored into the promotion evaluation. DPPPA recommended denial on this issue.

DPPPA concurred with the DPPPEB assessment addressing applicant's contention that he was not given an opportunity to review his PRF prior to the board.

The complete DPPPA evaluation is at Exhibit F.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Applicant stated he relied on the personnel system to be experts at updating his records. They had over two months from the time he PCS'd until the promotion board met. He feels he acted in a reasonable fashion and it was not his fault his records were not updated.

Applicant reiterated his contentions cited in his initial appeal and provided comments addressing specific issues contained in the Air Force evaluations.

Applicant's complete response, with computer products pertaining to his DAFSC, are at Exhibit H.

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 offices of primary responsibility 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.

THE BOARD DETERMINES THAT:

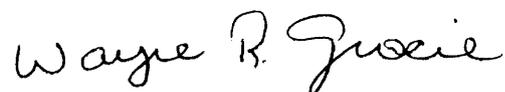
The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence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

The following members of the Board considered this application in Executive Session on 15 July 1997, under the provisions of AFI 36-2603:

Mr. Wayne R. Gracie, Panel Chair
Ms. Sophie A. Clark, Member
Mr. Michael P. Higgins, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 14 May 96, w/atchs; letter from Applicant, dated 1 Jul 96, w/atch.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPAISI, dated 29 May 96.
- Exhibit D. Letter, AFPC/DPPPEB, dated 3 Jun 96.
- Exhibit E. Letter, AFPC/DPAMF2, dated 22 Jul 96, w/atchs.
- Exhibit F. Letter, AFPC/DPPPA, dated 15 Aug 96.
- Exhibit G. Letter, SAF/MIBR, dated 3 Sep 96.
- Exhibit H. Letter, Applicant, dated 30 Sep 96, w/atchs.



WAYNE R. GRACIE
Panel Chair