

ADDENDUM TO
RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

JAN 28 1999

IN THE MATTER OF:

DOCKET NUMBER: 94-02272

COUNSEL:

HEARING DESIRED: YES

RESUME OF CASE:

On 13 February 1991, the Board favorably considered the applicant's request for promotion consideration by a Special Review Board (SRB) for the Air Force Reserve Colonel Overall Vacancy Selection Board with the Joint Service Commendation Medal awarded for the period July 1987 to May 1990 in his records.

On 10 June 1991, an SRB was conducted in conjunction with the Fiscal Year 1992 Reserve of the Air Force Line/Health Professions Lieutenant Colonel Selection Boards. In the opinion of the voting members, the applicant should not have been recommended for promotion by the 1 October 1990 Air Force Reserve Colonel Overall Vacancy Selection Board.

On 31 December 1993, the applicant was involuntarily retired under the Line Lt Col Tenure Program and assigned to the Retired Reserves. The applicant is eligible to receive retired pay at age 60.

On 14 October 1997, the Board considered applicant's request for the following:

1. The Officer Performance Reports (OPRs) closing 30 June 1990, 30 June 1991, 30 June 1992, and 30 June 1993, be declared void and replaced with reaccomplished OPRs.
2. The OPR closing 31 December 1993, be filed in his records.
3. His corrected record be considered for promotion to the Reserve grade of colonel by a Special Review Board (SRB).
4. Reinstatement to active reserve status.

The Board found insufficient evidence to warrant voiding the contested reports. However, the Board was persuaded by the General Law Division's argument that the Lieutenant Colonel

Tenure Program (LCTP), when applied to an IMA, like the applicant, may constitute an error or injustice. Therefore, the Board recommended the applicant's transfer to RRS **and** placement on the ISLRS, be voided and he be continued in an Active Reserve status until his mandatory separation date of **15 June 1996**, and considered for promotion to the grade of colonel by a Special Review Board (SRB) for any Colonel Selection Board for which he would have been eligible to be considered had he not been transferred to RRS and ISLRS.. In view of the applicant's past active participation indicating entitlement to more than the minimum paid points for the period in question, the Board recommended the applicant's records be corrected to reflect additional points and satisfactory service for retirement. A complete copy of the Record of Proceedings is attached at Exhibit F.

The Memorandum for the Chief of Staff, dated **16 March 1998**, awarded the applicant the minimum number of points for satisfactory service for the Retention/Retirement Years ending (RYE) **22 March 1995**, **22 March 1996**, and **14 June 1996**, (Exhibit G)

In a letters, dated **7 and 22 October 1998**, the applicant provides additional documentation and requests additional point credit based on his average attainment of **236** retirement points for the RYEs **22 March 1994**, **22 March 1995**, **22 March 1996** and **14 June 1996**. The applicant states that **236** was the average earned points for each retirement year from **1991** through **1994**. The applicant states that had he not been erroneously retired on **30 December 1993**, he would have at least continued the pre-approved and fully funded tour he was serving and would have earned an additional **57** Active Duty points for the RYE **22 March 1994**. The applicant also requested that if he is not selected for promotion to the grade of colonel with the original OPRs that are in his selection folder, then the Board reconsider him in light of the four replacement OPRs. The applicant's complete submissions, with attachments, is attached at Exhibits H and I.

The applicant was considered by **SRBs** and not recommended for promotion to the grade of colonel for the Fiscal Year **1995 (FY95)** and **FY96** Reserve of the Air Force Colonel Promotion Boards (Exhibit J),

THE BOARD CONCLUDES THAT:

1. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice to warrant awarding the applicant additional point credit for the contested period. We note the Board previously determined that in view of the applicant's past active participation, he should be entitled to more than the minimum paid points for the periods in question. However, the implementing directive awarded the

applicant only the minimum points required for satisfactory service, rather than the additional amount intended by the Board. Since it was the intent of the Board to make the applicant whole by awarding him more than the minimum points required for satisfactory service, and given the applicant's average retirement points earned during the five-year period preceding the period in question, we believe he should be provided additional point credit. Furthermore, since the applicant was considered for promotion by **SRBs** with his point credit incorrectly reflected, we also believe his corrected record should be considered for promotion by **SRBs** for the **FY95** and **FY96** boards. Therefore, we recommend his records be corrected to the extent indicated below.

2. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice to warrant voiding the contested reports. After reviewing the applicant's submission, we find no new evidence which would persuade us that the contested reports are in error or unjust. Therefore, in the absence of evidence to the contrary, we find no compelling basis to recommend granting this portion of the application.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that:

a. He was credited with an additional 57 paid active duty, 6 nonpaid inactive duty, and 15 membership points during the retirement/retention year 23 March 1993 through 22 March 1994, resulting in 308 total points; and, that the period 23 March 1993 through 22 March 1994 is a year of satisfactory Federal service for retirement.

b. He was credited with an additional 186 paid active duty points during the retirement/retention year 23 March 1994 through 22 March 1995, resulting in 236 total points; and, that the period 23 March 1994 through 22 March 1995 is a year of satisfactory Federal service for retirement.

c. He was credited with an additional 186 paid active duty points during the retirement/retention year 23 March 1995 through 22 March 1996, resulting in 236 total points; and, that the period 23 March 1995 through 22 March 1996 is a year of satisfactory Federal service for retirement.

d. He was credited with an additional 47 paid active duty points during the retirement/retention year 23 March 1996 through 14 June 1996, resulting in 59 total points; and, that during the period 23 March 1996 through 14 June 1996 he completed 2 months and 22 days of satisfactory Federal service for retirement.

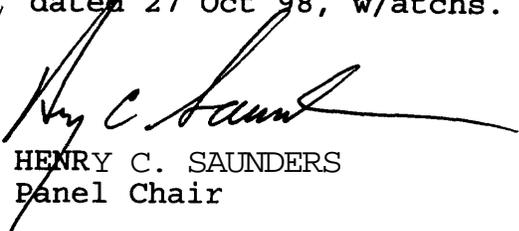
It is further recommended that his corrected records be considered for promotion to the Reserve grade of colonel by Special Review Boards; that his record be evaluated in comparison with the records of officers who were and were not selected by the Fiscal Years 1995 and 1996 Air Force Reserve Colonel Promotion Board; and that the recommendation of the Special Review Boards be forwarded to the Air Force Board for Correction of Military Records at the earliest practicable date so that all necessary and appropriate actions may be completed.

The following members of the Board considered this application in Executive Session on 7 December 1998, under the provisions of AFI 36-2603:

Mr. Henry C. Saunders, Panel Chair
Mr. Allen Beckett, Member
Mr. Richard A. Peterson, Member
Mr. Phillip E. Horton, Examiner (without vote)

All members voted to correct the records as recommended. The following documentary evidence was considered:

- Exhibit F. Record of Proceedings, dated 16 Mar 98, w/atchs.
- Exhibit G. Memo, SAF/MIB, dated 16 Mar 98.
- Exhibit H. Letter, Applicant, dated 7 Oct 98, w/atchs.
- Exhibit I. Letter, Applicant, dated 22 Oct 98, w/atchs.
- Exhibit J. Letters, ARPC/DPJ, dated 27 Oct 98, w/atchs.


HENRY C. SAUNDERS
Panel Chair



DEPARTMENT OF THE AIR FORCE
WASHINGTON, O. C.

JAN 28 1999

Office of the Assistant Secretary

AFBCMR 94-02272

MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the **Air** Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED], be corrected to show that:

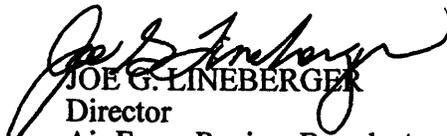
a. He ~~was~~ credited with an additional 57 paid active duty, 6 nonpaid inactive duty, and 15 membership points during the retirement retention year 23 March 1993 through 22 March 1994, resulting in 308 total points; and, that the period 23 March 1993 through 22 March 1994 is a year of satisfactory Federal service for retirement.

b. He was credited with an additional 186 paid active duty points during the retirement retention year 23 March 1994 through 22 March 1995, resulting in 236 total points; and, that the period 23 March 1994 through 22 March 1995 is a year of satisfactory Federal service for retirement.

c. He was credited with an additional 186 paid active duty points during the retirement retention year 23 March 1995 through 22 March 1996, resulting in 236 total points; and, that the period 23 March 1995 through 22 March 1996 is a year of satisfactory Federal service for retirement.

d. He was credited with an additional 47 paid active duty points during the retirement retention year 23 March 1996 through 14 June 1996, resulting in 59 total points; and, that during the period 23 March 1996 through 14 June 1996 he completed 2 months and 22 days of satisfactory Federal service for retirement.

It is further directed that his corrected record be considered for promotion to the Reserve grade of colonel by Special Review Boards; that his record be evaluated in comparison with the records of officers who were and were not selected by the Fiscal Years 1995 and 1996 Air Force Reserve Colonel Promotion Board; and that the recommendation of the Special Review Boards be forwarded to the Air Force Board for Correction of Military Records at the earliest practicable date so that all necessary and appropriate actions may be completed.


JOE G. LINEBERGER
Director
Air Force Review Boards Agency