

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 94-03329

COUNSEL: None

HEARING DESIRED: No

MAY 22 1995

APPLICANT REQUESTS THAT:

The Enlisted Performance Reports (EPRs) rendered for the periods 21 June 1990 through 20 June 1991 and 21 June 1991 through 20 June 1992 be declared void and removed from his record.

APPLICANT CONTENDS THAT:

a. The contested EPR closing 20 June 1991 is not only an inaccuracy but it is not a valid reflection of his performance. with no form of discipline ever presented and one feedback that represented a 4 rating, it is obvious and evident that this EPR was underrated.

b. The contested EPR closing 20 June 1992, reflects area and duties performed during previous EPR reporting period. The annotation on the back of his 19 February 1992 PFW, notes his change of duties as of 24 February 1992. Therefore, this EPR is also not an accurate assessment of his performance for the reporting period of 21 June 1991 through 20 June 1992.

Applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

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

The applicant appealed the contested report closing 20 June 1991 under the provisions of AFI 36-2401 (formerly AFR 31-11) and the appeal was considered and denied by the Airman Personnel Records Review Board (APRRB). They have no record that the report closing 20 June 1992 was ever considered for removal under AFI 36-2401.

APR/EPR profile since 1989 reflects the following:

<u>PERIOD ENDING</u>	<u>OVERALL EVALUATION</u>
6 N o 89	9
20 Jun 90	4 (new system)
* 20 Jun 91	3
** 20 Jun 92	4
20 Jun 93	5
31 Dec 93	5
30 Sep 94	4

* Contested report.

** Contested report.

AIR STAFF EVALUATION:

The Chief, SSBs & BCMR Appeals Section, AFMPC/DPMAJA1, reviewed this application and states that applicant provides letters from individuals not in his immediate EPR rating chain as support. While they speak well of his performance, they do not specifically address the allegation of a flawed and unjust rating. What the rater's rationale may have been for the evaluations he provided is speculative at best; however, as noted by the applicant, "...he still feels this is a fair rating." Applicant's decoration covers only three months of the overall period represented. Its citation is much too broad and inconclusive to refute the contested evaluations. Even though his primary concern is their impact on his promotion opportunities, he has failed to show the reports were rendered inequitably or that they are an inaccurate appraisal of his duty performance during the reporting period. Based on the evidence provided, they recommend denial.

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

The Chief, Inquiries/Special Actions Section, AFMPC/DPMAJW1, also reviewed this application and states that the first time the contested report closing 20 Jun 91 was considered in the promotion process was cycle 93A6 to TSgt (promotions effective Aug 92-Jul 93.) Should the Board void the contested report closing 20 Jun 91 in its entirety, or upgrade the overall rating, providing the applicant is otherwise eligible, the applicant will be entitled to supplemental promotion consideration beginning with cycle 93A6.

The first time the contested report closing 20 Jun 92 was considered in the promotion process was cycle 94A6 to TSgt (promotions effective Aug 93-Jul 94). Should the AFBCMR void the

contested report closing 20 Jun 92 in its entirety, or upgrade the overall rating, providing he is otherwise eligible, the applicant will be entitled to supplemental promotion consideration beginning with cycle 94A6.

A complete copy of their evaluation is attached at Exhibit D.

APPLICANT'S REVIEW OF AIR STAFF EVALUATION:

Copies of the Air Staff evaluations were forwarded to applicant on 12 September 1994 for review and response. As of this date, no response has been received by this office.

ADDITIONAL AIR STAFF EVALUATION:

The Chief, SSBs & BCMR Appeals Section, AFMPC/DPMAJA, reviewed this application and states that while the PFW indicates applicant was scheduled to change duties on 24 February 1992, it appears the contested EPR covers the duties performed for both jobs. Applicant has not provided any documentation from evaluators. Without benefit of this documentation, they conclude that the contested report is accurate as written and, therefore, they do not recommend its removal from his record.

A complete copy of their evaluation is attached at Exhibit F.

APPLICANT'S REVIEW OF ADDITIONAL AIR STAFF EVALUATION:

The applicant reviewed the Air Staff evaluation and states that all avenues of support have been exhausted. He feels that a lack of response from an evaluator(s) is a clear sign of inability and incapability to support or justify what has been written.

Applicant's complete response is attached 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. After reviewing the evidence submitted with this appeal, we believe that the applicant has failed to provide sufficient evidence

showing that the reports are an inaccurate assessment of his performance. In view of the above findings, and in the absence of statements from the rating chain members, we are in complete agreement with the comments and recommendations of the Air Staff. Therefore, we find no compelling basis to recommend granting the relief sought in this application.

THE BOARD DETERMINES THAT

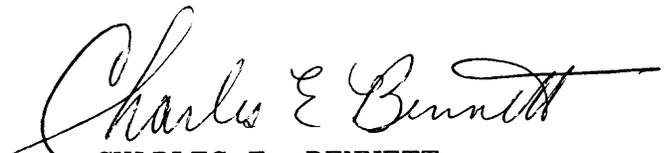
The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence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

The following members of the Board considered this application in Executive Session on 13 April 1995, under the provisions of AFR 31-3:

Mr. Charles E. Bennett, Panel Chairman
Mr. Vaughn E. Schlunz, Member
Mr. Henry Romo, Jr., Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 26 July 1994.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFMPC/DPMAJA1, dated 31 Aug 1994.
- Exhibit D. Letter, AFMPC/DPMAJW1, dated 12 Sep 1994.
- Exhibit E. Letter, AFBCMR, dated 13 Sep 1994.
- Exhibit F. Letter, AFMPC/DPMAJA, 12 Jan 1995.
- Exhibit G. Letter, AFBCMR, dated 6 Feb 1995.
- Exhibit H. Applicant's Response, dated 2 Mar 1995.


CHARLES E. BENNETT
Panel Chairman