



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

FEB 12 1999

Office of the Assistant Secretary  
AFBCMR 96-01357

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. The Field Grade Officer Performance Report (OPR), AF Form 707A, rendered for the period 22 June 1995 through 30 April 1996 and reflecting a grade of major, be, and hereby is, declared void and removed from her records
- b. The attached Field Grade Officer Performance Report, AF Form 707A, rendered for the period 22 June 1995 through 30 April 1996, reflecting a grade of lieutenant colonel, be amended in Section V by placing an "X" in each "MEETS STANDARDS" block and the amended report be inserted in her Officer Selection Folder in its proper sequence.

  
JOE G. LINEBERGER  
Director  
Air Force Review Boards Agency

Attachment:  
Reaccomplished OPR, 22 Jun 95 - 30 Apr 96

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

IN THE MATTER OF:

DOCKET NUMBER:

FEB 12 1999  
96-01357

COUNSEL: NONE

HEARING DESIRED: YES

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RESUME OF CASE:

In an application dated 8 May 1996, applicant requested the following:

1. Set aside her nonselection for promotion to the grade of lieutenant colonel by the Calendar Year 1994A (CY94A) Lieutenant Colonel Board.

2. Upgrade the Promotion Recommendation Form (PRF) prepared for the CY94A Lieutenant Colonel Board to "Definitely Promote" (DP).

3. She be promoted to the grade of lieutenant colonel as if selected by the CY94A Lieutenant Colonel Board, to include restoration of all pay, benefits and any other entitlements.

On 29 April 1997, the Board considered and partially granted applicant's request to replace the contested PRF and provide her consideration for promotion to the grade of lieutenant colonel by SSB for the CY94A Central Lieutenant Colonel Board. A complete copy of the Record of Proceedings is attached at Exhibit I.

Applicant was considered and selected for promotion to the grade of lieutenant colonel by SSB which convened on 2 September 1997. She was retroactively promoted effective and with date of rank of 1 April 1996.

Applicant submitted additional information, dated 27 February 1998, requesting that block 3 of the Officer Performance Report closing 30 April 1996 be corrected to reflect a rank of lieutenant colonel, that the board stamp be removed from this report, and that all references to "corrected copy" be removed (Exhibit J). In support of her request, she submits statements from her rating chain and a reaccomplished report. Her case has been reopened at this time for consideration of these issues.

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AIR FORCE EVALUATION:

The Chief, Appeals and SSB Branch, AFPC/DPPPA, reviewed the request and states that while applicant's evaluators concur with her request, it is inappropriate to alter the grade on the contested report. At the time the report was written, she was evaluated as a major, not a lieutenant colonel or even a lieutenant colonel select. Therefore, she was given responsibilities, placed in jobs, and recommended for Professional Military Education (PME) and future jobs, etc., based on her actual grade at the time the report was rendered. Her raters considered her a major when they wrote the report and compared her to other majors and their level of responsibilities. The proper procedure to correct the grade on a report rendered on an individual who is retroactively promoted is to add a statement to the margin of the report. They would have no objection to having a statement added to the margin of the contested report and having the board stamp removed.

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

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Applicant reviewed the Air Force evaluation and has provided her response which is attached at Exhibit M.

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THE BOARD CONCLUDES THAT:

1. Essentially applicant requests that the contested Officer Performance Report (OPR) closing 30 April 1996 be removed and replaced with a reaccomplished report reflecting her grade as lieutenant colonel with no indication that this is a corrected copy and no board stamp. In support of her request, she provides letters from her rating chain on the contested report. After thoroughly reviewing the documentation, the following conclusions and recommendations are made:

a. The Board majority is not persuaded that the report should be replaced, thereby reflecting her grade as lieutenant colonel. Duly noted are the statements from applicant's rating chain indicating support to change her rank on the basis of her retroactive promotion. However, as indicated by the Air Force, this OPR was written on the applicant while she was a major and after thoroughly reviewing the circumstances of the case, the Board majority is persuaded that the grade should remain "major." Applicant's situation is not unique, therefore, the majority concludes that she is being treated no differently than other individuals similarly situated. However, the majority believes the governing instruction does authorize the adding of the statement "The ratee was retroactively promoted to the grade of

lieutenant colonel; however, she was serving in the grade of major when this report was rendered." Therefore, we recommend adding this statement to the contested report.

b. With respect to the "corrected copy" issue, it appears that applicant's request is based on the principles followed in Special Selection Boards (SSBs) to "mask" corrections; however, while this may be appropriate for SSBs, in the opinion of the majority of the Board, this is not appropriate for routine administrative tasks. Thus the Board majority is persuaded that the file should be annotated,

c. Regarding the board stamp issue, we are persuaded that it should be removed from the contested OPR. In this respect, the board date reflected on the report is the convening date of the Calendar Year 1996C (CY96C) Central Lieutenant Colonel Board for which this OPR was the top report and during which applicant was initially selected for promotion. However, applicant's records have been corrected to reflect that she was retroactively promoted as though selected by the CY94A board; thus, there would be no reason for this board date to continue to exist on the contested report. Therefore, we recommend the board stamp be removed from the contested report.

2. The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issue(s) involved. Therefore, the request for a hearing is not favorably considered.

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THE BOARD RECOMMENDS THAT:

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

a. The Field Grade Officer Performance Report (OPR), AF Form 707A, rendered for the period 22 June 1995 through 30 April 1996 be amended by adding the following statement in the margin of the report:

"The ratee was retroactively promoted to the grade of lieutenant colonel; however, she was serving in the grade of major when this report was rendered."

b. The board stamp, "JUL 08 1996," affixed to the top of the aforementioned OPR, be removed.

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The following members of the Board considered this application in Executive Session on 2 November 1998, under the provisions of AFI 36-2603:

Mr. Thomas S. Markiewicz, Panel Chair  
Mr. Charles E. Bennett, Member  
Mr. John L. Robuck, Member

By majority vote, the Board recommended denial of the application to replace the contested report; however, they did recommend corrections to the record, as indicated. Mr. Bennett voted to correct the records as requested by applicant but does not wish to submit a minority report.

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

Exhibit I. ROP, dated 17 Jun 97, w/atchs.  
Exhibit J. Applicant's Letter, dated 27 Feb 98.  
Exhibit K. Letter, AFPC/DPPPA, dated 13 Apr 98.  
Exhibit L. Letter, AFBCMR, dated 27 Apr 98.  
Exhibit M. Applicant's Response, undated.

  
THOMAS S. MARKIEWICZ  
Panel Chair