

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-01810

COUNSEL: None

HEARING DESIRED: No

AUG 14 1998

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APPLICANT REQUESTS THAT:

The Enlisted Performance Report (EPR) rendered for the period 5 Dec 92 through 4 Dec 93 be declared void and removed from his records.

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APPLICANT CONTENDS THAT:

The contested report which contains a "3" rating does not exist and the "3" rating maintained in the Military Personnel Flight's (MPFs) computer system for military records is an error and an injustice to his performance history and promotion ability/ranking. He was not supervised by anyone for the necessary 120 days during the contested rating period to warrant the EPR. He was unaware the EPR existed until reviewing his Weighted Airman Promotion System (WAPS) score in 1996,

Applicant's complete submission is attached at Exhibit A,

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STATEMENT OF FACTS:

The applicant's Total Active Federal Military Service Date (TAFMSD) is 17 Jan 84. He is currently serving in the Regular Air Force in the grade of staff sergeant, effective, and with a date of rank (DOR) of 1 Sep 91.

Applicant's Airman Performance Report (APR)/EPR profile follows:

<u>PERIOD ENDING</u>	<u>OVERALL EVALUATION</u>
8 Nov 84	9
8 Nov 85	9
29 May 86	9
9 Feb 87	8
9 Feb 88	9
9 Feb 89	9

4 Dec 89	5 (New rating system)
4 Dec 90	4
4 Dec 91	5
4 Dec 92	5
* 4 Dec 93	3 (Supplemental Eval Sheet)
4 Dec 94	5
4 Dec 95	5

\* Contested report.

An Air Force Form 77 (Supplemental Evaluation Sheet), dated 3 Sep 96, indicates that the Personnel Data System (PDS) contained an overall rating of "3" for the missing EPR closing 4 Dec 93 and that the MPF would not change the rating and date unless documentary evidence to support a change became available or AFI 36-2403 or AFI 36-2401 authorized such action.

On 14 Nov 96, a similar appeal was considered and denied by the Evaluation Reports Appeal Board (ERAB). The ERAB recommended the applicant provide statements to strengthen his case from members of the rating chain which would provide clear evidence of error or injustice.

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AIR FORCE EVALUATION:

The Chief, Inquiries/AFBCMR Section, AFPC/DPPPWB, reviewed this application and indicated that the first time the report was considered in the promotion process was cycle 95A6 to technical sergeant (promotions effective Aug 94 - Jul 95). Should the Board void the report 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 95A6. He will not become a selectee during cycles 95A6 or 95E6 if the Board grants the request but would become a selectee for the 96E6 cycle pending a favorable data verification and recommendation of the commander.

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

The Chief, BCMR & SSB Section, AFPC/DPPPAB, also reviewed this application and indicated that Air Force policy is that an evaluation report is accurate as written when it becomes a matter of record and it takes substantial evidence to the contrary to have a report changed or voided. To effectively challenge an EPR, it is important to hear from all the evaluators from the report—not only for support but for clarification/explanation. The applicant has failed to provide letters of support from anyone in the rating chain of the contested report. In the absence of evidence from the rating chain, official substantiation from the Inspector General (IG) is appropriate but

not provided in this case. The physical absence of the contested EPR in the applicant's unit personnel record group (UPRG) does not invalidate the assigned rating in the PDS. Information from someone stating they did/did not write an EPR on the applicant during the contested rating period would help evaluate his request. In the absence of such information, DPPPAB recommends denial of applicant's request.

DPPPAB further indicated that they attempted to locate someone who would know who rated the applicant during the period of the contested report but were unsuccessful. They encourage applicant to obtain statements from supervisors/raters during the period attesting to whether or not they rendered or did not render a report. Also, official documentation assigning someone as his rater during this period which proves his contentions that "supervision during this period did not meet the 120-day requirement at any one time" would strengthen his case. Should additional documentation be furnished by the applicant, DPPPAB requests the opportunity to review it and provide additional comments. They will contact the applicant's MPF to ensure an AF Form 77 has been accomplished to take the place of the contested report in the applicant's UPRG.

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

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the Air Force evaluations and provided three letters of support from some of the leadership associated with his duty performance during the time in question. He does not know who wrote the EPR since no one met the minimum supervisory time requirements. Additionally, some individuals that held leadership positions during the period in question have retired or changed stations; therefore, he was unable to contact these individuals to solicit supportive statements.

Applicant's complete response, with attachments, is attached at Exhibit F.

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ADDITIONAL AIR FORCE EVALUATION:

The Chief, BCMR & SSB Section, AFPC/DPPPA, reviewed the additional documentation provided by the applicant and indicated that it is not feasible to compare one report covering a certain period of time with another report covering a different period of time. This does not allow for changes in the ratee's performance and does not follow the intent of the governing regulation, AFR 36-89, Enlisted Evaluation System. The EPR was designed to provide a rating for a specific period of time based on the

performance noted during that period not based on previous performance. The applicant has only provided statements that attest to his character and these statements do not prove there was no report ever written for the contested time period. They stand by their original recommendation of denial,

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

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APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION:

The applicant reviewed the additional Air Force evaluation and points out that his travel orders reflect that he was assigned to the 86<sup>th</sup> SPS/SPOS-A therefore verifying his assignment to "Security "A" Flight" and verifying the Flight Sergeant's letter stating his (applicant's) position and that he did in fact work for the Flight Sergeant. The fact remains that there is no hard evidence that the EPR in question ever existed. There are obvious errors that have occurred and could occur on behalf of the servicing MPF with regard to inputting and filing members' EPRs into their personnel file and the computer system used for personnel filing. Therefore, he cannot see how the Board could not rule in his favor.

Applicant's complete response, with attachments, is attached at Exhibit I.

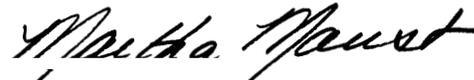
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THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations,
2. The application was timely filed.
3. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After reviewing the applicant's submission and the Air Force responses, we conclude that not only was there considerable confusion regarding who authored the contested report, but also, there was confusion in the maintenance of the applicant's personnel file and the computer system used for personnel filing. There is doubt as to what happened and what should have happened and we believe this should be resolved in favor of the applicant. In reaching our conclusion, we note that there is no evidence that the EPR in question existed. While the Air Force takes the position that an EPR is accurate as written when it becomes a matter of record, there is significant doubt as to what really happened in this case. Apparently no one knows for sure. Therefore, in an effort to preclude any possibility of an



- Exhibit C. Letter, AFPC/DPPPWB, dated 24 Jun 97.
- Exhibit D. Letter, AFPC/DPPPAB, dated 7 Aug 97.
- Exhibit E. Letter, AFBCMR, dated 25 Aug 97.
- Exhibit F. Letter fr applicant, dated 17 Sep 97, w/atchs.
- Exhibit G. Letter, AFPC/DPPPA, dated 11 Dec 97.
- Exhibit H. Letter, AFBCMR, dated 17 Apr 98.
- Exhibit I. Letter fr applicant, dated 17 May 98, w/atchs.



MARTHA MAUST  
Panel Chair



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

Office of the Assistant Secretary  
AFBCMR 97-01810

AUG 14 1998

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 AF Form 77 (Supplemental Evaluation Sheet), dated 3 Sep 96, rendered for the period 5 December 1992 through 4 December 1993 be, and hereby is, declared void and removed from his records.

It is further directed that he be provided supplemental consideration for promotion to the grade of technical sergeant for all appropriate cycles commencing with cycle 95A6.

If AFPC discovers any adverse factors during or subsequent to supplemental consideration that are separate and apart, and unrelated to the issues involved in this application, that would have rendered the applicant ineligible for the promotion, such information will be documented and presented to the Board for a final determination on the individual's qualification for the promotion.

If supplemental promotion consideration results in the selection for promotion to the higher grade, immediately after such promotion the records shall be corrected to show that he was promoted to the higher grade effective and with a date of rank as established by the supplemental promotion and that he is entitled to all pay, allowances, and benefits of such grade as of that date.

  
Joseph J. LINEBERGER  
Director  
Air Force Review Boards Agency