

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

COCKET NUMBER: 97-02134

CGUNSEL: [REDACTED]

HEARING DESIRED: No

24 JUL 1998

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APPLICANT REQUESTS THAT:

1. His Officer Selection Briefs (OSBs), prepared for the Calendar Years 1995B (CY95B) and 1996B (CY96B) Colonel Selection Boards, be corrected to reflect the Meritorious Service Medal, First Oak Leaf Cluster (MSM, 1OLC) for the period 30 October 1993 to 31 July 1995, and that the citation be placed in his Officer Selection Records (OSRs).
2. The Army Commendation Medal (ARCOM), Basic, citation for the period 31 July 1983 to 3 September 1983, be placed In his OSRs.
3. Two letters of evaluation (LOEs) (Supplemental Evaluation Sheets, AF Forms 77), for the periods 7 March 1984 through 26 June 1984 and 3G November 1990 through 15 May 1991 be placed in his OSRs, or all LOEs should be removed.
4. The CY96B OSB be corrected to reflect:
  - a. Aeronautical/Flying Data as "Master Navigator," effective 24 July 1996.
  - b. Assignment History, 30 August 1995 entry: Command Level as DD/J, Major Command as EUR, and Organization as AFELM SIXTH FLEET.
5. His corrected record be considered for promotion to the grade of colonel by Special Selection Boards (SSBs) for the CY95B and CY96B Colonel Selection Boards.

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APPLICANT CONTENDS THAT:

In September 1996, he asked AFPC/DPAJJ to investigate the matter of Joint Duty Assignment. They reported that apparently, and for reasons yet to be determined, the 16AF billet was never deleted and that he was in that billet. There are two USAF billets on the Sixth Fleet staff - one 16AF and one joint. As of 28 March 1997, AFPC is still investigating this dichotomy and he remains in the 16AF billet. He carefully reviewed the preselection brief

provided by his servicing Military Personnel Flight (MPF) and three times asked that numerous errors be corrected. The MPF corrected all errors with the singular exception of the joint duty assignment problem. He believes that he exercised reasonable diligence and took timely corrective actions to rectify that error. He discovered the decoration and AF Form 77 omissions only after viewing his CSR on 27 March 1997. The fact that the citations and one AF Form 77 are in his personnel records at the Air Force Personnel Center (AFPC) but were not included in his OSR is troubling.

In support of the appeal, applicant submits a staff summary sheet, HQ USAF/XOOT memorandum, Aeronautical Order, award documentation, LOEs, Promotion Recommendation Form, and an assignment management system single uniform retrieval format.

Applicant's complete submission is attached at Exhibit A.

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STATEMENT OF FACTS:

The applicant is currently serving on extended active duty in the grade of lieutenant colonel.

Applicant was considered and nonselected for promotion to the grade of colonel by the CY95B Colonel Selection Board, as a below-the-zone candidate. He was considered for promotion and nonselected by the CY96B and CY97B Colonel Selection Boards.

Applicant was awarded the Army Commendation Medal (ARCOM), Basic, for the period 31 July 1983 to 3 September 1983 by Permanent Orders 5426, dated 3 April 1984. The ARCOM, Basic, citation was in applicant's OSR at the time of the CY95B or CY96B Boards and was indicated on the OSBs.

Applicant was awarded the MSM, 1OLC for the period 30 October 1993 through 31 July 1995 by Special Order GA-40 dated 11 September 1995. The MSM, 1OLC, citation was not in the applicant's OSR and was not indicated on the OSB at the time of the CY95B Board.

The MSM, 1OLC, was reflected on the applicant's OSB for the CY96B Board but the citation was not filed in his OSR. However, the MSM, 1OLC, certificate was in his OSR.

His OSR was updated on 31 October 1997 with the citation for the MSM, 1OLC.

The LOE closing 26 June 1984 was not filed in applicant's OSR as required by regulation.

Applicant's Assignment History, Command Level, has been updated to reflect "AF," effective 30 August 1995. However, it was not correct on the CY95B or CY96B OSBs.

Applicant's duty title "Fleet Air Force Officer," effective 30 August 1995 was not listed on his CY95B OSB.

OER/OPR profile since 1981, follows:

	<u>PERIOD ENDING</u>	<u>EVALUATION OF POTENTIAL</u>
*	10 Jun 81	Supplemental Evaluation Sheet
	06 Mar 82	1-1-1
	06 Mar 83	1-1-1
*	31 May 83	Supplemental Evaluation Sheet
	06 Mar 84	1-1-1
	06 Mar 85	1-1-1
*	14 Aug 85	1-1-1
	30 Nov 85	Supplemental Evaluation Sheet
	14 Aug 86	1-1-1
	14 Aug 87	1-1-1
	14 Aug 88	Meets Standards
	14 Dec 88	Meets Standards
	30 Jun 89	Education/Training Report
	30 Jun 90	Meets Standards
	30 Jun 91	Meets Standards
	30 Jun 92	Meets Standards
	31 May 93	Meets Standards
	31 May 94	Meets Standards
#	31 May 95	Meets Standards
##	31 May 96	Meets Standards
###	31 May 97	Meets Standards

\* Reports in question.

# Top report at time of CY95B board.

## Top report at time of CY96B board.

### Top report at time of CY97B board.

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AIR FORCE EVALUATION:

The Officer Promotion Management, Directorate of Personnel Program Mgt, AFPC/DPPPO, reviewed the application and states that, in regards to the CY95B board, the most recent duty history entry for that board was "1 Sep 1994; C12F4U; Commander, W/B; ACC; Air Supt Opns; Sq; ~~XXXXXX~~." A review of duty history changes indicates that although the effective date of the duty title "Fleet Air Force Officer" was 30 August 1995 in that assignment, the update was not made until December 1995. Therefore, it was not feasible for the board to have reviewed that information via the OSB. The MSM, 1OLC, was neither cited on the OSB nor was the citation present in the OSR. The aeronautical rating listing on the OSB is "Sr Nav." They have

not received correspondence from any flight records agency requesting a change to this information prior to the convening of the board. The applicant does not reveal if attempts to accomplish the corrections were made prior to the board nor that he realized the information was available to the board.

AFPC/DPPPO also states that in regards to the CY96B Board, a review of the duty history changes indicates that no changes occurred affecting the command level (W/B), major command (AFE), or organization (Air Force) prior to the convening of the CY96B board or to date. The MSM, 10LC, certificate was posted to the OSR on 4 November 1996 prior to the convening of the CY96B board; however, the OSB did not reflect this award. Inclusion of a citation vice a certificate is a possible correction; however, the applicant does not reveal if attempts were made prior to the board nor that he realized this information was presented to the board in this manner. The aeronautical rating listing on the CY96B OSB is "Sr Nav." They have not received correspondence from any flight records agency requesting a change to this information prior to the convening of the board. Applicant was reminded by his senior rater prior to the CY95B board that, ".your right to submit a letter to the President of the Central Selection Board calling attention to any matter of record you believe to be important to your consideration." This opportunity was provided to the applicant for both considerations for promotion to colonel, the three promotion considerations to lieutenant colonel and the three considerations to major. The opportunity is clearly outlined in AFI 362501, paragraphs 1.7 (responsibilities for the eligible officer), and 2.10 (conducting the board). The process for making corrections to an OSB or OSR were in place for the CY95B and CY96B colonel boards. Instructions and milestones for actions pertaining to central selection boards were clearly outlined in Military Personnel Flight Memorandums (MPFMs). The MPFMs were made available to the officer prior to the convening of each board. This advisory does not contest that errors were valid or not. However, SSB should not be granted primarily because the applicant does not provide evidence that due to circumstances beyond his control or through no fault of his own, the system failed in his attempt to make corrections to his record prior to the board. Further SSB should not be granted because the applicant does not indicate his intentions to elect not to correspond with the board president as was his right.

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

The Chief, Joint Officer Management, Directorate of Assignments, AFPC/DPAJ, reviewed the application and states the applicant

requests correction to his duty history on his CY96B OSB. Applicant was serving in a valid 16<sup>th</sup> Air Force position with the 6<sup>th</sup> Fleet. Applicant was not receiving joint credit for this position thus his duty history was correct in reflecting W/B and not DD/J. After researching the applicant's assignment folder, all documentation shows that the applicant was serving in a two year non-joint position, not a three year joint position. Also, a joint assessment nomination package was not completed at the time of the assignment action which is required for joint assignments. They agree that this request should be denied

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

The Chief, Reports and Queries Team, Directorate of Assignments, AFPC/DPAIS1, reviewed the application and states that a research shows member's duty information for his then current assignment did not appear on his CY95B OSB. This particular entry was originally entered in December 1995 with a duty title of "Fleet Air Force Officer" effective 30 August 1995. This duty title was then replaced in March 1996 to reflect "Joint Air Operations & Plans." They do believe that member had ample opportunity to aggressively pursue this omission from his duty history; however, they do concede that other factors such as system flow, being geographically separated from his servicing MPF, etc. might have played a part in lack of timely update.

AFPC/DPAIS1 also states that member contends his 30 August 1995 duty command level, MAJCOM, and organization were incorrect as they appear on the CY96B OSB. Member contends his duty command level as reflected Wing/Base (W/B) should have reflected AFELM Joint (DD/J). Member was assigned to the 16<sup>th</sup> Air Force and occupied a 16<sup>th</sup> Air Force position with the US Six Fleet. He was not serving in a joint position; therefore, he is not awarded the duty command of DD/J. They do not concur with the duty level of Wing/Base either. Member should have had a duty command level reflected Numbered Air Force (AF). Although the duty command of AF has been updated in the last year, it was not correct on the CY96B OSB. Applicant contends his MAJCOM as reflected US Air Forces, Europe (AFE) should reflect HQ US European Command (EUC). Members were assigned to PAS Code AYODFHYH which falls under US Air Forces, Europe (AFE). This information was correct on the CY96B OSB. Applicant contends his organization as reflects "16<sup>th</sup> Air Force" should reflect "United States Six Fleet." Again, member was assigned to the "16<sup>th</sup> Air Force, as determined by his PAS Code and was given a 16<sup>th</sup> Air Force position. Furthermore, Table 046 which lists organization kinds and their clear text does not provide for a value that defines "United States Six Fleet." They do not believe the change of the duty command level

for the CY96B OSB is significant enough, in itself, to warrant special consideration; however, they do believe that the omission of member's current duty from the CY95B OSB may warrant another look by the special selection board.

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

The Chief, Promotion, Evaluation and Recognition Div, Director of Personnel Program Management, AFPC/DPPP, reviewed the application and states that at the time the LOE closing 26 June 1984 was rendered, AF policy required LOEs for periods of temporary duty (TDY) for over 60 days be attached to the OPR and subsequently filed in the applicant's records. The LOE was not filed in the applicant's OSR, as required by regulation. They note, however, the information contained in the LOE is reflected on the OER that closed out on 6 March 1985. Further, why was its absence not discoverable when the OER became a matter of record in 1983? They find it hard to believe the applicant never reviewed his OSR prior to March 1997. They are opposed to the applicant receiving SSB with the inclusion of the LOE since the information contained therein was previously considered by the promotion board. They feel the absence of this LOE in his OSR to be insignificant especially since he was competitively selected to the grades of major and lieutenant colonel without its inclusion in his record. In March 1988, the Air Force policy changed, and all LOEs became optional, therefore, not required to be attached to OPRs and filed in the applicant's personnel records. LOEs are not suspended either by the MPR or orderly room and used solely by the rater when rendering an evaluation report. The only AF Forms 77 to be filed in the applicant's personnel records are for students. In this instance, the rater of the applicant's 30 June 1991 OPR used the information cited on the contested LOE rendered 15 May 1991, to prepare the applicant's OPR in direct accordance with AF policy in effect at the time.

AFPC/DPPP also states that even though the MSM, 10LC, citation was not on file for the CY96B board, it was in evidence before the board. The certificate for this decoration, awarded by the Commander, 9<sup>th</sup> Air Force, was on file in the OSR. They replaced the certificate with a copy of the citation on 31 October 1997. The ARCOM citation was filed in the OSR on 8 May 1984. The board members were knowledgeable both decorations were given, which is the ultimate purpose of including them in the promotion selection process. Since the board members were aware of the decorations, they factored them into the promotion evaluation. The applicant has failed to provide anything to prove he received anything less than fair and impartial consideration. Based on the evidence provided, their recommendation of denial is appropriate.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the Air Force evaluations and provides his comments to the evaluations. He also states, in part, that he requested a records review Report on Individual Person (RIP) from his orderly room in September, October, and November 1995 in order to ensure the information was before the board. He did not receive the RIP (dated 8 December 1995) until 25 December 1995 at which time he was deployed in support of the Bosnia operation. He was not aware until that time that the duty history information was incorrect. He was not aware that the correct duty history was not presented to the board. It is reasonable to assume that a functioning personnel system should have input the correct data in the three months prior to the board. He was physically awarded the MSM, 10LC in November 1995. The elements had been forwarded on 11 September 1995 to the servicing MPF of the unit to which he had been assigned until July 1995, and then to his actual servicing MPF. He did not make the effort to insure the decoration had been entered into his personnel records by his servicing MPF as he was not aware that they had not done so when they forwarded the elements in October 1995. It is reasonable to assume that a functioning personnel system should have input the data in the two months prior to the board. In regard to the duty history for the CY96B board, the fundamental problem is that there are two USAF Lt Col billets on the books for duty with the 6<sup>th</sup> Fleet at Gaeta, Italy. One is a USAF position, to which AFPC assigned him, and the other is a Joint Duty billet to whit JDPN V034-0001. When he volunteered for that assignment, he was told by his MPF joint assignments section that it was a three year joint duty assignment. He was extremely surprised to see the tour length that appeared on his 13 July 1995 orders was 24 months. He was not aware of the discrepancy until after the CY95B board and he made numerous attempts to correct the error with no luck. The Secretary of the Air Force awarded him the Master Navigator rating on 24 July 1996 by waiving his 3<sup>rd</sup> flying gate. Persons unknown misplaced his waiver from 24 July 1996 to 16 May 1997. He repeatedly attempted to ascertain the status of the waiver. The duty title is not at issue; rather the duty command level, MAJCOM, and organization should reflect the fact that he should have been in a joint duty billet. The ARCOM citation filed in his OSR on 8 May 1984 is award of the ARCOM, first oak leaf cluster. The citation for the basic award of the ARCOM, presented for meritorious achievement was 31 July 1983 to 3 September 1983 in Africa is missing. While perhaps none of the minor irregularities would have influenced a promotion board, all taken together may have. He again points out that most of the errors were beyond his control and that, in most instances, he took prudent action to correct them prior to

the board. Some remain uncorrected to this day (the joint duty assignment with 6<sup>th</sup> fleet for example). He respectfully requests that these errors be corrected and he be afforded the opportunity for a second look by SSB.

Applicant's complete response is attached at Exhibit H.

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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. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice warranting correcting the CY96B OSB, Assignment History, Command Level, to reflect "DD/J," effective 30 August 1995. The Air Force states that the applicant was assigned to 16<sup>th</sup> Air Force and occupied a 16<sup>th</sup> Air Force position with the US Six Fleet and that he was not serving in a joint position. Therefore, the Board is of the opinion that since the position the applicant was serving in was not a joint position, there is no basis to grant this request.
4. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice warranting favorable action on the remainder of his requests. In this respect, we note that the Air Force states the OSBs contained numerous errors and his OSR did not contain the MSM, 1OLC, citation for the period 30 October 1993 to 31 July 1995. While it cannot be conclusively determined what impact these errors would have had on the outcome of the CY95B, CY96B, and CY97B Boards and for any subsequent boards, we believe that they served to deprive him of fair consideration. In addition, the Air Force states the OSR did not contain the LOE closing 26 June 1984, as required by regulation, and that the LOE closing 15 May 1991 was not required to be in his record. However, we believe that in order to make the applicant's OSR complete, the LOE closing 15 May 1991 should also be filed in the applicant's OSR.

In view of the foregoing and in an effort to remove any possibility of an injustice to the applicant, we recommend that his record be corrected to the extent indicated below.

Applicant's request that the ARCOM, Basic, citation for the period 31 July 1983 to 3 September 1983, be placed in his OSR is a moot point. The Air Force states the ARCOM, Basic, citation was filed in the OSR on 8 May 1984.

## 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 OSB for the CY95B Colonel Selection Board be corrected to reflect:

1. The MSM, 10LC, for the period 30 October 1993 to 31 July 1995, and the citation, be placed in his OSR.

2. The duty title of "Fleet Air Force Officer," effective 30 August 1995.

3. Under Assignment History, Major Command as "EUR" and Organization as "AFELM SIXTH FLEET," effective 30 August 1995.

b. The OSB for the CY96B Colonel Selection Board be corrected to reflect:

1. Aeronautical/Flying Data as "Master Navigator," effective 24 July 1996.

2. Assignment History, Major Command as "EUR" and Organization as "AFELM SIXTH FLEET," effective 30 August 1995.

3. Command Level, be corrected to reflect "NAF," effective 30 August 1995.

c. The LOEs for the periods 7 March 1984 through 26 June 1984 and 30 November 1990 through 15 May 1991, be placed in his OSR in their proper sequence.

d. The MSM, 10LC, citation, for the period 30 October 1993 to 31 July 1995, be placed in his OSR for the CY96B Board.

It is further recommended that his record, reflecting the above corrections, be considered for promotion to the grade of colonel by SSB for the Calendar Years 1995B, 1996B, and 1997B Colonel Selection Boards and for any subsequent boards that the correcteions were not a matter of record.

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The following members of the Board considered this application in Executive Session on 25 June 1998, under the provisions of AFI 36-2603:

Ms. Patricia J. Zarodkiewicz, Panel Chair  
 Mr. Jackson A. Hauslein, Member  
 Ms. Dorothy P. Loeb, Member

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

- Exhibit A. DD Form 149, dated 13 Jul 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPPO, dated 17 Sep 97.
- Exhibit D. Letter, AFPC/DPAJ, dated 22 Sep 97.
- Exhibit E. Letter, AFPC/DPAIS1, dated 10 Oct 97.
- Exhibit F. Letter, AFPC/DPPP, dated 12 Nov 97.
- Exhibit G. Letter, AFBCMR, dated 1 Dec 97.
- Exhibit H. Applicant's Response, dated 24 Dec 97.

  
PATRICIA J. ZARODKIEWICZ  
Panel Chair