



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

OCT 9 1998

Office of the Assistant Secretary

AFBCMR 97-03024

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 the Enlisted Performance Report, AF Form 910, rendered for the period 28 May 1995 through 27 May 1996, 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 senior master sergeant (E-8) for all appropriate cycles beginning with cycle 96E8.

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 applicant was promoted to the higher grade on the date of rank established by the supplemental promotion and that applicant is entitled to all pay, allowances, and benefits of such grade as of that date.


JOE G. LINEBERGER
Director
Air Force Review Boards Agency

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

OCT 9 1998

IN THE MATTER OF:

DOCKET NUMBER: 97-03024

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His Enlisted Performance Report (EPR), for the period 28 May 1995 through 27 May 1996, be declared void and removed from his records.

APPLICANT CONTENDS THAT:

The rater of the report in question, grossly underreported his (applicant's) performance for the period in question. Appeals to correct his records were rejected. Intervention by the Senior Rater to correct the record was ignored/dismissed for irrelevant reasons. Applicant states that the rater committed an injustice by inaccurately rating his performance. Substitute reports were dismissed on the grounds of insufficient details, but the critical issue was not centered on the wording used in the unjust report.

In support of his appeal, the applicant submits copies of his two earlier appeals to the Evaluation Report Appeal Board (ERAB) under AFI 36-2401, with reaccomplished EPRs submitted to the ERAB.

Applicant's submission is attached at Exhibit A.

STATEMENT OF FACTS:

Applicant is currently serving in the Regular Air Force in the grade of master sergeant (E-7).

Two similar appeals were submitted under AFI 36-2401, Evaluation Report Appeal Board (ERAB) which were denied on 31 January and 3 July 1997.

Applicant's EPR profile is as follows:

<u>PERIOD ENDING</u>	<u>OVERALL EVALUATION</u>
6 Jun 91	5
6 Jun 92	5
15 Apr 93	5
27 May 94	5
27 May 95	5
* 27 May 96	4
27 May 97	5
27 May 98	5

* Contested report

AIR FORCE EVALUATION:

The Chief, Inquiries/AFBCMR Section, Enlisted Promotion Branch, HQ AFPC/DPPPWB, states that the first cycle the contested report was considered in the promotion process was cycle 96E8 to senior master sergeant. Should the Board void the report in its entirety, upgrade the overall rating, or make any other significant change, provided he is otherwise eligible, applicant will be entitled to supplemental promotion consideration beginning with cycle 96E8.

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

The Chief, Evaluation Procedures Section, HQ AFPC/DPPPPEP, reviewed the application and recommends applicant's request be denied. They state that it is the responsibility of evaluators to determine which accomplishments are included on the EPR. The regulation charges evaluators with rendering fair and accurate EPRs and ensuring the comments support the ratings. There is no evidence to indicate either evaluator on the original EPR failed in his responsibility. Further, the lack of appeal support from the rater speaks volumes as to his belief the contested EPR is an accurate and fair assessment of the applicant's achievements and abilities. A review of the documents provided does not reveal a violation of regulatory provisions or indicate an injustice has occurred. It appears this appeal is simply an effort to remove an "undesirable" report after two transparent attempts to rewrite history failed.

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

The Chief, BCMR and SSB Section, HQ AFPC/DPPP, states that they concur with the advisory opinions from AFPC/DPPPPEP and

AFPC/DPPPW. They do not believe replacement of the applicant's EPR is appropriate, nor do they recommend he receive supplemental promotion consideration. Based on the lack of evidence, they recommend the applicant's request be denied.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 12 January 1998 for review and response within 30 days. As of this date, no response has been received by this office.

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 documentation submitted with this application, it appears the applicant was rated on what was considered at the time, an accurate and impartial evaluation of his performance. We note there is no statement submitted by the rater of the contested report. However, the rater's rater submitted a statement indicating that he became the Chief, Inspection Division on 1 April 1996 and immediately began the Wing Quality Air Force Assessment (QAFA) which lasted from 8 April to 6 May 1996 and this did not afford him an opportunity to observe the applicant's performance first hand. He states that as a newcomer, he relied on the rater to provide an accurate assessment of applicant's performance. The Senior Rater also submitted statements in applicant's behalf. In one statement, the Senior Rater stated that the EPR in question closed out at the Senior Rater's Deputy level which contained a rating that did not permit him (Senior Rater) to comment on or sign the EPR. A subsequent statement from the Senior Rater indicates that the rater wrote a report that omitted notable achievements, underrated the applicant's performance, leadership, managerial skills, and professional qualities and did not afford him (Senior Rater) an opportunity to enter comments. It appears that the Senior Rater was very knowledgeable of the applicant's performance and accomplishments. Therefore, we recommend the contested report be declared void and removed from the

applicant's records. We note the applicant's two requests to the ERAB that the contested report be removed and a reaccomplished EPR, for the same period, be placed in his records. However, without the complete support of the rater, we believe that avoidance of the report is a more appropriate form of relief. In addition, applicant should be considered for promotion to the grade of senior master sergeant by all appropriate cycles in which the contested report was a matter of record.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that the Enlisted Performance Report, AF Form 910, rendered for the period 28 May 1995 through 27 May 1996, be declared void and removed from his records.

It is further recommended that he be provided supplemental consideration for promotion to the grade of senior master sergeant (E-8) for all appropriate cycles beginning with cycle 96E8.

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 applicant was promoted to the higher grade on the date of rank established by the supplemental promotion and that applicant is entitled to all pay, allowances, and benefits of such grade as of that date.

The following members of the Board considered this application in Executive Session on 3 September 1998, under the provisions of AFI 36-2603:

Mr. Henry C. Saunders, Panel Chair
Mr. Joseph G. Diamond, Member
Ms. Peggy E. Gordon, Member

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

Exhibit A. DD Form 149, dated 7 Oct 97, w/atchs.

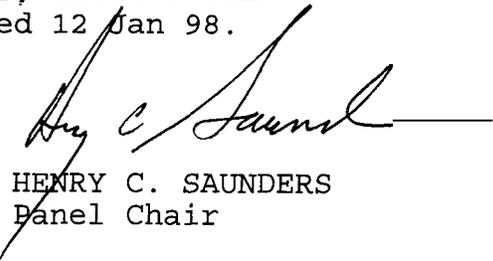
Exhibit B. Applicant's EPR Records.

Exhibit C. Letter, HQ AFPC/DPPPWB, dated 28 Oct 97.

Exhibit D. Letter, HQ AFPC/DPPPEP, dated 2 Dec 97.

Exhibit E. Letter, HQ AFPC/DPPP, dated 5 Jan 98.

Exhibit F. Letter, AFBCMR, dated 12 Jan 98.



HENRY C. SAUNDERS
Panel Chair



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS

20 OCT 1997

MEMORANDUM FOR AFPCDPPPAB
AFBCMR
IN TURN

FROM: HQ AFPC/DPPPWB
550 C Street West, Ste 09
Randolph AFB TX 78150-4711

SUBJECT: Application for Correction of **Military** Records ~~_____~~

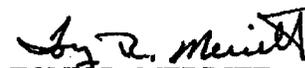
Requested Action The applicant is requesting the AFBCMR void his Enlisted Performance Report (EPR) closing 27 May 96. We **will** address the supplemental promotion issue should the EPR be voided.

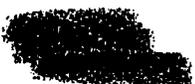
Reason for Request. The applicant claims the rater grossly underreported his performance for the period in question and intervention by the Senior Rater to correct the record **was** ignored/dismissed for irrelevant reasons.

Facts. See Hq AFPC/DPPPAB Memorandum.

Discussion. The first cycle the contested report **was** considered in the promotion process **was** cycle 96E8 to SMSgt (promotions effective Apr 96 - Mar 97). Should the Board void the report in its entirety, upgrade the overall **rating**, or make any other significant change, provided the applicant is **otherwise** eligible, he will be entitled to supplemental promotion consideration **beginning** with cycle 96E8.

Recommendation. We defer to the recommendation of Hq AFPC/DPPPAB.


TONY R. MERRITT
Chief Inquiries/AFBCMR Section
Enlisted Promotion Branch


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DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS



MEMORANDUM FOR DPPPAB
SAF/MIBR

FROM: HQ AFPC/DPPPEP
550 C Street West Ste 07
Randolph AFB TX 78150-4709

2 Dec 97

SUBJ: Application for Correction of Military Records [REDACTED]

REQUESTED ACTION: Applicant requests the Enlisted Performance Report (EPR) closing out 27 May 96 be removed from his record.

BASIS FOR REQUEST Applicant bases this request on the allegation the report is unjust and does not accurately reflect his performance, and that the comments made by the rater's rater are invalid due to lack of knowledge of the applicant's performance.

BACKGROUND: Applicant submitted an appeal to the Evaluation Report Appeals Board (ERAB) on 21 Oct 96, requesting the contested report be replaced with a new version upgrading the ratings and adding the senior rater's endorsement. The appeal was denied 31 Jan 97 due to insufficient proof of injustice. Applicant resubmitted his appeal to the ERAB and was again denied, for the same reason, on 3 Jul 97.

FACTS: Members appealing reports are required to provide sufficient proof to fully substantiate allegations of error or injustice. Applicant failed to provide sufficient proof in two ERAB applications, and has further failed to provide any additional information to support this appeal to the BCMR.

DISCUSSION. It is the responsibility of evaluators to determine which accomplishments are included on the EPR. AFI 36-2403, 15 Jul 94, charges evaluators with rendering fair and accurate EPRs and ensuring the comments support the ratings. There is no evidence to indicate either evaluator on the original EPR failed in his responsibility. Further, the lack of appeal support from the rater speaks volumes as to his belief the contested EPR is an accurate and fair assessment of the applicant's achievements and abilities.

The rater's rater clearly agreed with the original EPR and has not provided support to this request for removal. As the rater's rater, it was his responsibility to add comments about the applicant's performance. The short length of time he was in that role before the close-out date is not an issue; AFI 36-2403 allows evaluators other than the rater to be assigned at any point, even after the

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