

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

**FEB 18 1999**

IN THE MATTER OF:

DOCKET NUMBER: 97-03397

COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His record, to include an Officer Performance Report (OPR) rendered for the period **30 April 1991** through **1 May 1992**, be considered for promotion to the Reserve grade of major by a Special Review Board (SRB) for the Fiscal Year **1998 (FY98)** Major Selection Board.

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APPLICANT CONTENDS THAT:

He was denied fair and equitable promotion consideration due to a perceived break in service for the period **30 April 1991** through **3 February 1994**.

The applicant states from **1 May 1990** through **15 May 1992**, Captain Blome was his rating official. The last annual Officer Performance Report (OPR) in his record while on active duty, covered the period **1 May 1990** through **20 April 1991**. However, there is no OPR covering the period **1 May 1991** through **15 May 1992**. During this period, he continued to fly as an AC-130 pilot. No OPR was rendered for this period because a representative from the Consolidated Base Personnel Office (CBPO) advised the unit that an OPR was not required since he was leaving active duty. However, this was incorrect. From **15 May 1992** through **3 February 1994**, he was assigned to the inactive ready reserve and applied to all reserve and Air National Guard units in the Southeastern United States in order to obtain an active reserve or guard position. He obtained a position on **3 February 1994**. He was not aware of the problem until after his nonselection for promotion to the Reserve grade of major.

In support of the appeal, applicant submits copies of his **OPRs**, a copy of his DD Form **214**, Certificate of Release or Discharge from the Armed Forces of the United States, and a statement from his commander.

The applicant's commander states that he strongly endorses his request for an appeal of his nonselection to the grade of major. The commander also states that applicant has been a superior Squadron Leader during his tenure and is a dependable volunteer

with a stellar history of flying in Bosnia, Southwest Asia, and the Pacific. The commander believes that a break in service should not be held against a member with a distinguished career which includes many trips into harms way as a C-130 Special Operations Pilot and Tactical Operations C-130 Pilot.

The applicant's complete submission is attached at Exhibit A.

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**STATEMENT OF FACTS:**

The applicant is currently serving in the Air Force Reserve in the grade of major.

On 18 November 1983, the applicant was commissioned a second lieutenant and entered extended active duty.

On 15 May 1992, the applicant was released from active duty in the grade of captain under the provisions of AFR 36-12 (Voluntary Resignation: Completion of Active Duty Service Commitment). However, the DD Form 214, does not reflect the command to which he was transferred.

On 16 May 1992, the applicant was commissioned in the Reserve grade of captain in the Air Force Reserve.

The applicant was considered and not selected for promotion to the Reserve grade of major by the FY98 Major Selection Board which convened on 3 March 1997.

The applicant was considered and selected for promotion to the Reserve grade of major by the FY99 Major Selection Board. He was promoted to that grade, effective and with date of rank (DOR) of 1 October 1998.

A resume of applicant's Officer Performance Reports (OPRs), since 30 April 1989, follows:

<u>PERIOD ENDING</u>	<u>OVERALL EVALUATION</u>
8 Jan 86	Meets Standards (MS)
30 Apr 90	MS (w/LOE)
30 Apr 91	MS
No report rendered for the period 1 May 91 through 3 Feb 94	
3 Feb 95	MS
3 Feb 96	MS
* 2 Dec 96	MS

\* Top report reviewed by the FY98 board.

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FC 97-03397

**AIR FORCE EVALUATION:**

The Deputy Director, Directorate of Personnel Program Management, ARPC/DPJC, reviewed this application and states that applicant is incorrect that in accordance with AFR 36-10, dated 1 August 1988, table 3-6, rule 1, note 3, an OPR should have been rendered with a close-out date of 20 April 1992. They note that AFR 36-10(change 1), dated 1 February 1990, table 3-1, rule 4, note 4, applies to this case. The applicant would not have been due an annual report because upon voluntary separation, the close-out date is established as 30 days prior to the departure date. The applicant separated from active Air Force on 15 May 1992. Even if his date of separation was the same as his departure date, the close-out date of the OPR would be established as 15 April 1992 making it a Change in Reporting Official (CRO) report. In accordance with note 4, no report is required when separation is by voluntary resignation. They note that prior to the promotion board, the applicant was given the opportunity to write a letter to the board explaining why a gap is in his record. In addition, the applicant met the FY98, not the FY97 major board. Therefore, they recommend denial of his request.

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

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**APPLICANT'S REVIEW OF AIR FORCE EVALUATION:**

The applicant reviewed the Air Force evaluation and states there was no voluntary separation. He resigned his regular commission on 15 May 1992 and accepted a Reserve commission on 16 May 1992 with no break in service. He did not write a letter to the board because he had no knowledge of a perceived break in service until he was nonselected. He requests that his corrected record be considered for promotion by an SRB for the FY98 board.

In further support of the appeal, applicant submits a statement from the Chief, Career Enhancement indicating the applicant was not voluntarily separated but resigned his Regular commission and accepted a Reserve commission with no break in service.

The applicant's complete response is attached at Exhibit E.

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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 to

warrant the applicant's promotion to the Reserve grade of major by the **FY98** Board. While we recognize that an OPR may not have been required to have been rendered, in view of the lengthy period from his last performance report in **1991** to his actual date of separation in **1992**, we believe it would have been appropriate for a report to have been rendered. In addition, in view of the lapse of time, it appears that it would be impossible for the applicant to have a report submitted by the rating officials. We also note the applicant experienced difficulty in obtaining a Reserve position which made the gap between his last active duty performance report and his first Reserve performance report even longer. In view of the unique circumstances present in this case and since he was promoted to the Reserve grade of major by the next regularly scheduled selection board, we recommend his effective date **and** promotion service date be changed to **12 August 1997**, the date he would have received had he been promoted by the **FY98** selection board. Therefore, we recommend his records be corrected to the extent indicated below.

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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 he was promoted to the Reserve grade of major, with an effective date and promotion service date of **12 August 1997**.

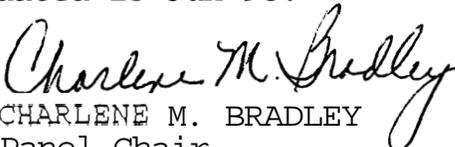
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The following members of the Board considered this application in Executive Session on **10 November 1998**, under the provisions of **AFI 36-2603**:

Ms. Charlene M. Bradley, Panel Chair  
Mr. Joseph G. Diamond, Member  
Mr. Terry A. Yonkers, Member  
Mr. Phillip E. Horton, Examiner (without vote)

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

- Exhibit A. DD Form 149, dated **6 Nov 97**, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, ARPC/DPJC, dated **15 Dec 97**.
- Exhibit D. Letter, SAF/MIBR, dated **5 Jan 97**.
- Exhibit E. Letter, Applicant, dated **25 Jan 98**, w/atch.
- Exhibit F. Letter, ARPC/DPJC, dated **15 Apr 98**.
- Exhibit G. Letter, ARPC/DPJ, dated **22 Apr 98**.
- Exhibit H. Letter, SAF/MIBR, dated **15 Jun 98**.

  
CHARLENE M. BRADLEY  
Panel Chair



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, D. C.

FEB 18 1999

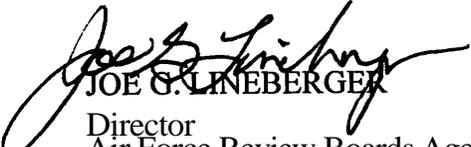
Office of the Assistant Secretary

AFBCMR 97-03397

**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 he was promoted to the Reserve grade of major, with an effective date and promotion service date of 12 August 1997.

  
JOE S. LINEBERGER  
Director  
Air Force Review Boards Agency