

SEP 21 1998

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:



DOCKET NUMBER: 97-03627

COUNSEL: NONE

HEARING DESIRED: YES

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APPLICANT REQUESTS THAT:

1. His Enlisted Performance Report (EPR) closing 30 September 1995, reflect a start date of 11 February 1995.
2. The optional Letter of Evaluation (LOE) for the period 1 October 1994 through 10 February 1995 be filed in his record.

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APPLICANT CONTENDS THAT:

His rater was unable to evaluate his performance objectively and fairly. The evaluators on the contested EPR did not include information from the LOE because of the validated Inspector General's (IG) Report.

In support of the appeal, applicant submits a personal statement, LOE, contested EPR, and other documentation.

Applicant's complete submission is attached at Exhibit A.

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STATEMENT OF FACTS:

The applicant is currently serving in the Regular Air Force in the grade of Master Sergeant.

The "from" date on the contested EPR is accurate as portrayed. LOEs are written to document performance during periods of supervision too short to render a performance report. Information from the LOE may be included on the next performance report, at EPR rater's option. The decision not to include the information does not negate or invalidate the EPR.

EPR profile since 1992 reflects the following:

<u>PERIOD ENDING</u>	<u>OVERALL EVALUATION</u>
30 Sep 92	5
30 Sep 93	report removed by order of the Chief of Staff

30 Sep 94	5
30 Sep 95	5
30 Sep 96	5
30 Sep 97	5

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AIR FORCE EVALUATION:

The Chief, Evaluation Procedures Section, HQ AFPC/DPPPEP, reviewed this application and states that the "from" date of the second or any subsequent EPR is the day immediately following the close out date of the previous EPR. Therefore, the "from" date on the contested EPR is correct according to the governing directive. Prior to 1989, when LOEs were attached to performance reports and filed in the record, the "from" date of the report was still determined by the close out date of the preceding report. Changing the "from" date on the contested EPR would cause the report to be flawed as it would then be in direct noncompliance with the governing directive.

Applicant alleges his evaluators declined to include information from the LOE as a form of reprisal stemming from "validated" IG findings. However, we do not find evidence this allegation has merit. Many of the allegations presented to the IG were only partially substantiated, and none of them were directed towards the evaluators who signed the contested EPR. The IG findings were not forwarded to the applicant until 13 October 1995, and no documentation was provided to show the IG report was presented to applicant's unit sooner. Since the IG report was prepared 27 September 1995, only three days prior to the signing of the contested EPR, they find it unlikely the findings had any influence on the preparation of that EPR closing out 30 September 1996. A finding in the applicant's favor would cause violations of regulatory guidance. Therefore, they recommend denial of applicant's request.

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

The Chief, Inquiries/AFBCMR Section, Enlisted Promotion & Military Testing Branch, HQ AFPC/DPPPWB, reviewed this application and states that if the AFBCMR were to direct that the LOE report be changed to a Change of Reporting Official (CRO) EPR then, the first time the report will be considered in the promotion process is cycle 96E8 to senior master sergeant (promotions effective Apr 96 - Mar 97). There are no provisions to include the LOE in the Selection Folder.

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

The Chief, BCMR and SSB Section, Directorate of Personnel Program Management, HQ AFPC/DPPPAB, reviewed this application and states the applicant did not file an appeal under AFI 36-2401, Correcting Officer and Enlisted Evaluation Reports. They did not return the application because the applicant failed to provide the required evaluator support. The applicant's request is contrary to the guidance contained in the governing directive, AFI 36-2403. They concur with the opinion from HQ AFPC/DPPPPEP and HQ AFPC/DPPPWB and have nothing further to add. Therefore, they recommend denial of applicant's request.

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

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the advisory opinions and states that the time that lapsed between the EPR and the validation of the IG Report was more than 35 days. This validation affected his senior leaders with the Civil Engineering Squadron, and it drastically influenced his rating chain's objectivity to assess his performance fairly and impartially. This validation drove the omission of significant achievements, contained in the LOE, from inclusion in the contested EPR.

A complete copy of applicant's response, with attachment, is attached at Exhibit G.

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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. Applicant contends the EPR closing 30 September 1995, is inaccurate due to the evaluators failure to document his performance as the NCOIC, Receiving Element. After reviewing the evidence of record, we are not persuaded that the contested EPR was rendered in error or is unjust. In this respect we note the evaluators rendered the highest rating possible and submitted comments on applicant's performances/accomplishments that completely filled the allowable space provided. Applicant believes that the evaluators declined to include the information from the contested LOE as a form of reprisal due to the Inspector General (IG) findings. However, we do not find evidence this allegation has merit. To the contrary, many of the allegations presented to the IG were only partially substantiated and none of them were directed towards the evaluators of the contested

report. In view of the above findings and in the absence of evidence to the contrary, we find no basis upon which to recommend favorable action on this application.

4. 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 DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

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The following members of the Board considered this application in Executive Session on 7 July 1998, under the provisions of AFI 36-2603:

Mrs. Barbara A. Westgate, Panel Chair  
 Mr. Frederick R. Beaman III, Member  
 Mr. Steve Shaw, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 1 October 1997, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, HQ AFPC/DPPPEP, dated 5 February 1998.
- Exhibit D. Letter, HQ AFPC/DPPPWB, dated 18 February 1998.
- Exhibit E. Letter, HQ AFPC/DPPPAB, dated 25 February 1998.
- Exhibit F. Letter, SAF/MIBR, dated 9 March 1998.
- Exhibit D. Applicant's Response, dated 18 March 1998.

  
 BARBARA A. WESTGATE  
 BARBARA . WESTGATE  
 Panel Chair



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

MEMORANDUM FOR **DPPPAB**  
**SAF/MIBR**

**5 FEB 1993**

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

SUBJ: Application for Correction of Military Records, [REDACTED]  
[REDACTED]

**REQUESTED ACTION:** Applicant requests the Enlisted Performance Report (EPR) closing out 30 Sep 95 be corrected to reflect a start date of 11 Feb 95, and an optional Letter of Evaluation (LOE) for the period 1 Oct 94 - 10 Feb 95 be filed in his record.

**BASIS FOR REQUEST:** Applicant bases this request on the claim his rater had an "inability to evaluate performance objectively and fairly." He asserts the "from" date of the contested EPR is incorrect, and further alleges the evaluators on his report failed to include information from the LOE "because of [his] validated Inspector's General Report."

**BACKGROUND:** The governing directive covering the period of the contested EPR and the disposition of LOEs is AFI 36-2403, dated 15 Jul 94. The rules for determining the "from" date of an EPR have not been changed for decades, if ever, as verified by the 15 Jul 76 version of AFR 39-62, forerunner of the current AFL. During the 1988 Officer and Enlisted Evaluation System (OES/EES) Review, the value of mandatory LOEs and the practice of filing them in the record was thoroughly discussed. It was determined there was no added value to filing them in the record since subsequent evaluators could, at their option, include information from the LOE in the next performance report, This change was implemented in 1989 and remains in practice today.

**FACTS:** The "from" date on the contested EPR is accurate as portrayed. LOEs are Written to document performance during periods of supervision too short to render a performance report. Information from the LOE may be included on the next performance report, at EPR rater's option; the decision not to include the information does not negate or invalidate the EPR.

**DISCUSSION:** Air Force policy is that LOEs are not filed in a member's record. There is no compelling evidence presented which supports an exception to this policy. Personal wishes of

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the ratee are not a factor in determining the contents of an EPR or the record; these decisions are governed by the rules of regulatory guidance. This issue is without merit.

The "from" date of the second or any subsequent EPR is the day immediately following the close-out date of the previous EPR. Therefore, the "from" date on the contested EPR is correct according to the governing directive. Prior to 1989, when LOEs were attached to performance reports and filed in the record, the "from" date of the report was still determined by the close-out date of the preceding report. Changing the "from" date on the contested EPR would cause the report to be "flawed" as it would then be in direct noncompliance with the governing directive; as a result, this issue is without merit.

Applicant alleges his evaluators declined to include information from the LOE as a form of reprisal stemming from "validated" Inspector General (IG) findings. However, we do not find evidence this allegation has merit. In fact, many of the allegations presented to the IG were only partially substantiated, and none of them were directed towards the evaluators who signed the contested EPR. The IG findings were not forwarded to the applicant until 13 Oct 95, and no documentation was provided to show the IG report was presented to applicant's unit sooner. Further, since the IG report was prepared 27 Sep, only 3 days prior to the signing of the contested EPR, we find it unlikely the findings had any influence on the preparation of that EPR.

While we note applicant submitted a substantial number of documents, the majority of those documents and related allegations pertain to a subsequent EPR not addressed in his letter as being under appeal. As they are not related to this appeal case, we will not address the allegations or documents pertaining to that EPR (closing out 30 Sep 96).

RECOMMENDATION: In conclusion, a thorough review of his documentation and the governing directive does not reveal a violation of regulatory provisions. In fact, a finding in the applicant's favor would cause violations of regulatory guidance. Therefore, we cannot support approval; strongly recommend denial.

  
LARRY J. CEASER, SMSgt, USAF  
Chief, Evaluation Procedures Section



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

10 FEB 1998

MEMORANDUM FOR AFPC/DPPPAB  
AFBCMR

FROM: HQ AFPC/DPPPWB

SUBJECT: **Application** for Correction of Military Records [REDACTED]

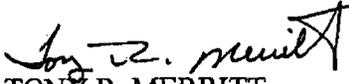
Requested Action. The applicant is requesting the Enlisted Performance Report (EPR) closing 30 Sep 95 be corrected to reflect a **start** date of 11 Feb 95 vice 1 Oct 94, and **an optional** Letter of Evaluation (LOE) for the period 1 Oct 94 - 10 Feb 95 be filed in his record. We will address the supplemental promotion consideration issue should the request be approved.

Reason for Request. Applicant believes the above request should be granted since his accomplishments from his LOE, which depicted significant achievements regarding his leadership **and** managerial abilities, were not included in the EPR closing 30 Sep 95.

Facts. See AFPC/DPPPEP Ltr, 5 Feb 98 and AFPC/DPPPAB Ltr.

Discussion. If the AFBCMR were to direct that the LOE report be changed to a Change of Reporting Official (CRO) EPR then, the first time the report will be considered in the promotion process is cycle 96E8 to senior master sergeant (promotions effective Apr 96 - Mar 97). There are no provisions to include the LOE in the HQ USAF Selection Folder.

Recommendation. We defer to the recommendation of AFPC/DPPPEP and AFPC/DPPPAB.

  
TONY R. MERRITT  
Chief, Inquiries/AFBCMR Section  
Enlisted Promotion & Mil Testing Br



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

25 FEB 1998

MEMORANDUM FOR AFBCMR

**FROM:** HQ AFPC/DPPPAB  
550 C Street West, Suite 8  
Randolph AFB TX 78150-4710

**SUBJECT:** [REDACTED]

Requested Action. The applicant requests the addition of an AF Form 77, Supplemental Evaluation Sheet, inclusive dates 1 Oct 94 - 10 Feb 95, to his official Air Force records. He also requests the board adjust the inclusive dates on the enlisted performance report (EPR) that closed out 30 Sep 95.

Basis for Request. The applicant contends his rater was unable to evaluate his performance objectively and fairly; and the evaluators on the contested EPR did not include information from the LOE because of the validated Inspector General's (IG) Report.

Recommendation. Deny.

Facts and Comments.

- a. The application is timely. The applicant did not file an appeal under AFI 36-2401, Correcting Officer and Enlisted Evaluation Reports. We did not return the application because the applicant failed to provide the required evaluator support.
- b. AFI 36-2403, The Enlisted Evaluation System, 15 Jul 94, is the governing directive.
- c. In support of his appeal, the applicant includes a personal brief; copy of the LOE; copy of the contested EPR; copies of correspondence between him and his congressman; copies of correspondence between him and Air Force officials outside his rating chain; copies of the applicant's complaint to the IG and their findings; and extraneous material.
- d. We concur with the advisory opinions from HQ AFPC/DPPPEP and HQ AFPC/DPPPWB, and have nothing further to add.

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**Summary.** The applicant's request is contrary to the guidance contained in the governing directive, AFI 36-2403. Therefore, our recommendation of denial is appropriate.

  
JOYCE E. HOGAN  
JOYCE E. HOGAN

Chief, BCMR and SSB Section  
Dir of Personnel Program Mgt