

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

[REDACTED]
[REDACTED]

DOCKET NUMBER: 97-03800

COUNSEL: None

NOV 13 1998

HEARING DESIRED: No

APPLICANT REQUESTS THAT:

The Enlisted Performance Report (EPR) rendered for the period 27 Dec 93 through 26 Dec 94 be upgraded from a "4" rating to a "5" rating; or, in the alternative, be declared void and removed from his records.

APPLICANT CONTENDS THAT:

No feedback session was accomplished during the rating period. Prior to his supervisor's permanent change of station (PCS), the supervisor provided him a copy of the EPR which reflected an overall "5" rating.

In support of his appeal, the applicant provided a copy of the contested report and a draft of the report in question.

Applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

The applicant's Total Active Federal Military Service Date (TAFMSD) is 23 Mar 83. He is currently serving in the Regular Air Force in the grade of technical sergeant, effective, and with a date of rank (DOR) of 1 Mar 93.

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

<u>PERIOD ENDING</u>	<u>OVERALL EVALUATION</u>
3 Jan 84	9
9 Oct 84	9
9 Oct 85	9
9 Oct 86	9
5 Mar 87	9
5 Mar 88	9
5 Mar 89	9

14 Jul 89	9
30 Apr 90	4 (New rating system)
30 Apr 91	5
30 Apr 92	5
26 Dec 92	5
26 Dec 93	5
* 26 Dec 94	4
26 Dec 95	5
26 Dec 96	5
31 Oct 97	5

* Contested report.

AIR FORCE EVALUATION:

The Chief, Inquiries/AFBCMR Section, AFPC/DPPPAB, reviewed this application and indicated that the first time the contested report was considered in the promotion process was cycle 95E7 to master sergeant (promotions effective Aug 95 - Jul 96). Should the Board either void the EPR or upgrade it, providing he is otherwise eligible, the applicant will be entitled to supplemental promotion consideration beginning with cycle 95E7. He will not become a selectee during this cycle or the 96E7 or 97E7 cycle. The next cycle to master sergeant is 98E7 with selections approximately 15 May 98. Should a favorable decision be received after 1 May 98, the applicant would also require supplemental consideration for the 98E7 cycle, provided he is otherwise eligible.

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

The Chief, BCMR & SSB Section, AFPC/DPPPA, also reviewed this application and indicated that, although the applicant provides a copy of an unsigned draft EPR that reflects an overall "5" rating with all performance factors in Section III (Evaluation of Performance) marked to the right, it appears that the rater later changed his mind from the time the draft was prepared and the time the actual EPR was prepared. AFI 36-2403, Section C - Terms, states, "EPRs are work copies, and evaluators may correct or redo them until they become a matter of record. Ratees do not review completed reports before they become a matter of record." Contrary to the applicant's belief, the report is not invalid just because it was changed prior to the final report being prepared—it simply indicates the report was revised to more accurately reflect the evaluators' assessments. In order to successfully challenge the validity of an evaluation report, it is important to hear from the evaluators—not necessarily for support but at least for clarification/explanation. The applicant has not provided any such documentation. Without benefit of these statements, DPPPA can only conclude the EPR is accurate as written. An evaluation report is considered to

represent the rating chain's best judgment at the time it is rendered. DPPPA contends that, once a report is accepted for file, only strong evidence to the contrary warrants correction or removal from an individual's record and the burden of proof is on the applicant. He has not substantiated the contested report was not rendered in good faith by all evaluators based on knowledge available at the time.

Regarding applicant's contentions that he received no feedback during the rating period, AFI 36-2402, paragraphs 2.8.1.2 and 2.8.1.3, states the ratee is responsible for requesting a feedback session if needed and notifying the rater and, if necessary, the rater's rater when a required or requested feedback session does not take place. Regardless, AFI 36-2403, paragraph 2-10, states, "A rater's failure to conduct a required or requested feedback session does not by itself invalidate an EPR." Based on the lack of evidence provided, DPPPA recommends denial.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to applicant on 9 Feb 98 for review and response. 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. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After a thorough review of the evidence of record and applicant's submission, we are not persuaded that the contested report should be upgraded from a "4" rating to a "5" rating or that it should be declared void and removed from his records. His contentions are duly noted; however, we do not find these uncorroborated assertions, in and by themselves, sufficiently persuasive to override the rationale provided by the Air Force. We therefore agree with the recommendations of the Air Force and adopt the rationale expressed as the basis for our decision that the applicant has failed to sustain his burden that he has suffered either an error or an injustice. Therefore, we find no compelling basis to recommend granting the relief sought.

THE BOARD DETERMINES THAT:

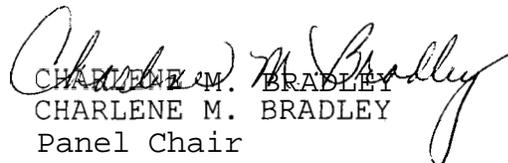
The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence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

The following members of the Board considered this application in Executive Session on 8 October 1998, under the provisions of Air Force Instruction 36-2603:

Ms. Charlene M. Bradley, Panel Chair
Ms. Patricia D. Vestal, Member
Mr. Joseph G. Diamond, Member
Mrs. Joyce Earley, Examiner (without vote)

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 23 Dec 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPPWB, dated 15 Jan 98.
- Exhibit D. Letter, AFPC/DPPPA, dated 30 Jan 98
- Exhibit E. Letter, AFBCMR, dated 9 Feb 98.


CHARLENE M. BRADLEY
CHARLENE M. BRADLEY
Panel Chair



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

15 JAN 1998

MEMORANDUM FOR AFPC/DPPPAB
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

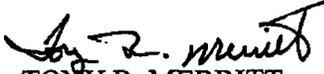
Requested Action. The applicant is requesting the AFBCMR either void or upgrade his Enlisted Performance Report (EPR) closing 26 Dec 94. We will address the supplemental promotion consideration issue should the request be approved.

Reason for Request. The applicant states there **was** no feedback accomplished during the period of this report.

Facts. See Hq AFPC/DPPPAB Memorandum.

Discussion. The first time the contested report was considered in the promotion process **was** cycle 95E7 to **MSgt** (promotions effective Aug 95 - Jul 96). Should the AFBCMR either void the EPR or upgrade it, providing he is otherwise eligible, the applicant will be entitled to supplemental promotion consideration beginning **with the 95E7 cycle**. He will not become a selectee during this cycle or the 96E7 or 97E7 cycles. The next cycle to **MSgt** is 98E7 with selections approximately 15 May 98. Should a favorable decision be received after 1 May 98, he would also require supplemental consideration for the 98E7 cycle, provided he is otherwise eligible.

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


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

cc:
SAF/MIBR

9703800



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

30 JAN 98

MEMORANDUM FOR AFBCMR

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

SUBJECT: AFI 36-2603 Application—Technical Sergeant

Requested Action. The applicant requests his **26 Dec 94** enlisted performance report (EPR) be upgraded to a "5" or voided in its entirety.

Basis for Request. The applicant contends no feedback was accomplished during the **rating** period. He states that prior to **his** supervisor's permanent change of station (PCS), he provided him a copy of his EPR which reflected **an** overall rating of "5."

Recommendation. Deny.

Facts and Comments.

a. The application is timely filed. We have no record of a previous application under **AFI 36-2401**, Correcting Officer and Enlisted Evaluation Reports. Since the applicant **has** no evaluator support, we did not return the application.

b. The governing directive is **AFI 36-2403**, Enlisted Evaluation **System**, 15 Jul 94.

c. The contested EPR is an overall "4" with **three** of the seven performance factors in section III **marked down** one block **from** the right.

d. The applicant contends **his** supervisor accomplished **an** EPR prior to **his** PCS departure which reflected a "5" rating. As support, the applicant provides a copy of an unsigned draft EPR that **reflects an** overall "5" **rating with** all performance factors in section III marked to the right. However, it appears the rater changed **his** mind from the time the **draft** was prepared and the time the **actual** EPR was prepared. AFI 36-2403, Section **C - Terms**, Attachment **1**, **states**, "EPRs are workcopies, and evaluators may correct or redo them until they become a matter of record. **Ratees** do not review completed reports before they become a matter of record." Contrary to the applicant's beliefs, **the** report is not invalid just because it **was** changed prior to the **final** report being prepared--it simply indicates the report **was** revised to more accurately reflect **the** evaluators' assessments..

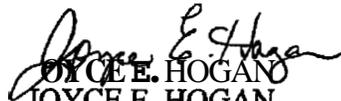
970 3800

e. The applicant contends he received no feedback during the rating period. **AFI** 36-2403, paragraphs 2.8.1.2 and 2.8.1.3, states the ratee is responsible for requesting a feedback session if needed and notifying the rater **and**, if necessary, the rater's rater when a required or requested feedback session does not take place. Regardless, **AFI** 36-2403, paragraph 2-10, states, "A rater's failure to conduct a required or requested feedback session does not by itself invalidate **an** EPR."

f. Obvious by their absence are statements from the evaluators during the contested period. In order to successfully challenge the validity of **an** evaluation report, it is important to hear from the evaluators--not necessarily for support, but at least for clarification/explanation. The applicant **has** not provided **any** such documentation. Without benefit of these **statements**, we can only conclude the **EPR** is accurate **as** written.

g. An evaluation report is considered to represent the rating chain's best judgment at the time it is rendered. **We** contend that **once** a report is accepted for file, **only** strong evidence to the contrary warrants correction or removal from **an** individual's record. The burden of proof is on the applicant. He has not substantiated the contested report was not rendered in good faith by all evaluators **based** on knowledge available at the time.

Summary. Based on the lack of evidence provided, we recommend denial.


JOYCE E. HOGAN
JOYCE E. HOGAN
Chief, BCMR and **SSB** Section
Directorate of Pers Program **Mgt**

cc:
SAF/MIBR

9203800