

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-00489

COUNSEL: NONE

FEB 5 1999

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

1. The Officer Performance Reports (OPRs) rendered for the periods 29 October 1994 through 28 October 1995, and 29 October 1995 through 1 August 1996, be declared void and removed from his records.
2. His promotion to the Reserve grade of major, effective 6 May 1995, be reinstated.
3. He receive pay and points for the time he would have been able to serving during 1995, 1996, and 1997.
4. The entire record be sealed or destroyed.

APPLICANT CONTENDS THAT:

The reasons the applicant believes the records to be in error or unjust and the evidence submitted in support of the appeal are at Exhibit A.

STATEMENT OF FACTS:

The relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the letter prepared by the appropriate office of the Air Force. Accordingly, there is no need to recite these facts in this Record of Proceedings.

AIR FORCE EVALUATION:

The Director of Personnel Program Management, ARPC/DPJA, reviewed this application and states that there was no injustice to the applicant within the promotion process. The decision to remove the applicant's name from the Fiscal Year 1995 (FY95) promotion

list was made by the Secretary of the Air Force after review of the case file. They note the applicant should file a DD Form 948 to remove the OPRs. Therefore, they recommend denial of his requests.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A complete copy of the Air Force evaluation was forwarded to the applicant on 20 April 1998, 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. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinion and recommendation of the Air Force and adopt their rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice. Therefore, in the absence of evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application.

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 17 December 1998, under the provisions of AFI 36-2603:

Mr. Vaughn E. Schlunz, Panel Chair
Mr. Edward C. Koenig, 11, Member
Mr. Kenneth L. Reinertson, Member

Mr. Phillip E. Horton, Examiner (without vote)

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 17 Feb 98, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, ARPC/DPJA, dated 1 Apr 98.
- Exhibit D. Letter, AFBCMR, dated 20 Apr 98.


WAUGH E. SCHLUNZ
VAUGHN E. SCHLUNZ
Panel Chair