



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

OCT 21 1998

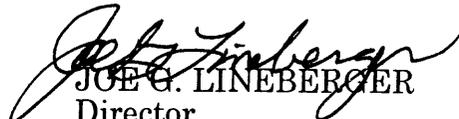
Office of the Assistant Secretary

AFBCMR 98-01651

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] to include the Air Force Commendation Medal, 2nd Oak Leaf Cluster, for the period 31 August 1989 through 28 February 1991, be considered for promotion to the grade of lieutenant colonel by Special Selection Board for the Calendar Year 1997C Lieutenant Colonel Board.


JOE G. LINEBERGER
Director
Air Force Review Boards Agency

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

OCT 21 1998

IN THE MATTER OF:

DOCKET NUMBER: 98-01651

COUNSEL: None

HEARING DESIRED: No

APPLICANT REQUESTS THAT:

1. The Officer Performance Reports (OPRs) rendered for the periods 16 June 1994 through 15 June 1995, 16 June 1995 through 13 March 1996, and 14 March 1996 through 13 March 1997, Block 11. Unit Mission Description be changed.
2. The Promotion Recommendation Form (PRF) submitted to the Calendar Year 1997C (CY97C) lieutenant colonel selection board be changed.
3. The Air Force Commendation Medal 2nd Oak Leaf Cluster (AFCM 2OLC) for the period 31 August 1989 through 28 February 1991, be added to his officer selection folder (OSF).
4. He be considered for promotion to the grade of lieutenant colonel by Special Selection Board (SSB) for the CY97C Lieutenant Colonel Selection Board.

APPLICANT CONTENTS THAT:

His official records are incomplete due to his direct participation in covert Special Access Required (SAR) programs. DoD security restrictions prohibit the disclosure of SAR information outside of specifically approved program channels. As a result, his records are not a true and accurate representation of his job performance or his impact on mission accomplishment. The unit mission description on these documents does not adequately address the command staff level of personnel assigned to the unit.

An AFCM was submitted on his behalf in conjunction with his reassignment from the [REDACTED]. The timing of the award submission coincided with the deactivation of the [REDACTED] and reassignment of all personnel. This award was never processed and was not included in his records. Several attempts were made to determine the award status. His assignment to [REDACTED], Japan made this status determination quite difficult. The subsequent deactivation of 17th Air Force made matters worse.

Eventually, it was clear that the original award would never processed. Unfortunately, it was very difficult to contact his original supervisor and have him resubmit a new award package. He was eventually able to have the award submitted and approved. Board members may have been unjustly influenced by the absence of this award in his records.

In support of the appeal, applicant submits SAR Program Accomplishments Memorandum (Classified - On file at SAF/AZZ and [REDACTED], AFCM Award Citation and Special Order, SAR Program Involvement Memorandum, Officer Preselection Brief, and Unit Mission Description Memorandum.

Applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

The applicant is currently serving on extended active duty in the grade of major.

Applicant was considered and not selected for promotion to the grade of lieutenant colonel by the CY97C Lieutenant Colonel Selection Board. He was again considered by the CY98B Lieutenant Colonel Selection Board; however, the results from that board are not releasable at this time.

OPR profile since 1994, follows:

<u>PERIOD ENDING</u>	<u>EVALUATION OF POTENTIAL</u>
15 Jun 94	Meets Standards
* 15 Jun 95	Meets Standards
* 13 Mar 96	Meets Standards
* # 13 Mar 97	Meets Standards
* 03 Mar 98	Meets Standards

- * Contested report
- # Top report at time of CY97C board.

AIR FORCE EVALUATION:

The Acting Chief, Appeals and SSB Branch, AFPC/DPPPA, reviewed the application and states that the two letters from the senior rater/reviewer are identical, with the exception of the names of the applicants, to those received with an appeal from another officer from the same squadron. The applicant provided a letter of support from the reviewer/rater of the most recent OPR and PRF. However, they do not find any evidentiary support from any other members of the rating chain of the contested reports. The

applicant has not provided the necessary information to substantiate his contention the unit mission description on the reports was erroneous or inadequate. The reviewer/senior rater from the most recent OPR/PRF states in his memorandum the unit mission description was incomplete because it did not reflect the full scope of the unit's responsibilities, or the fact the unit had "\\commandlevel" equivalency. However, he does not admit how he was hindered from submitting the original report with a fitting unit mission description when he wrote/reviewed and signed the original OPR and PRF. Further, he does not say he has new information now that was previously unavailable to him when the contested reports became matters of record. If he knew the unit mission description was wanting, why did he knowingly submit a report that did not adequately convey the breadth and importance of the individual's duty performance or accurately describe the unit's mission? What is not addressed by either the applicant or the lone evaluator is what unit mission description was used on the OPRs rendered for other officers assigned to the same unit during the period of the contested report. Since this appeal is identical to that of another officer in the same squadron, it is apparent the same unit mission description was used for not only these two officers, but probably for any other officer eligible for the CY97C board as well. The applicant has not furnished evidence the unit mission description on his OPR differed from that of other officers in the unit thereby indicating his OPR was erroneous. However, if the applicant can provide documentation proving his unit mission description differed from any other officer eligible for the CY97C board, they would appreciate the opportunity to review and comment on any such evidence presented to the AFBCMR prior to their decision being rendered. They contend the applicant did not show proper diligence prior to the promotion board. He has been aware of the OPR unit mission description for almost three years because the same mission description was used on each of the OPRs rendered to him for each contested reporting period. In addition, if he felt the CY97C board may have had the perception the mission description was inadequate on the reports, or that he was now working at a subordinate command level due to the reorganization, he could have exercised his option to write a letter explaining the contested issues to the board president. However, they find no evidence he wrote any such letter to the board prior to his original consideration. They, therefore, are opposed to the board changing the unit mission description on the last three OPRs and most recent PRF and, therefore, oppose SSB consideration.

AFPC/DPPPA further states that even though the AFCM 20LC special order was published on 28 May 1998 and the citation was filed in his record on 29 May 1998, they note the close-out of the award

was February 1991. As such, they believe the time it took to process this was exorbitant, and they would not object to promotion reconsideration by the CY97C board on this issue.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the Air Force evaluation and states that he agrees that the basis of his appeal is similar to another's (with regard to the inaccurate unit mission description). However, he strongly requests that his appeal be considered on its own merit. No other individual's actions, regarding promotion appeal, should have any bearing on the merits of his appeal. In fact, his SAR program participation and contributions (as outlined in the classified memorandum) are significantly different. It is important to point out that BG H--- was the senior rater for his PRF. He was the only evaluator for that contested document. As such, he deemed it sufficient to include only his letter as supporting documentation. As BG H--- was the senior rater for his 13 March 1997 OPR (and a General Officer), he also deemed it sufficient to include only his letter as supporting documentation. General H--- did not knowingly submit an inaccurate report. No one has claimed that he had. The inadequate and inaccurate unit mission description came to General H---'s attention after his command received dismal results on several promotion boards. He queried HQ AFMPC and HQ ACC and it was suggested that his personnel were not receiving due credit for the level of staff work they were accomplishing. General H--- asked his staff to look at ways to properly convey the importance of his unit's work. One of the methods discovered was to modify unit mission descriptions. Surely there was no intent, at the time his reports were accomplished, to provide inaccurate unit mission descriptions. However, based on the statements of his rater, additional rater, and senior rater, there can be no question that they were, in fact, inaccurate. The fact that action was not taken at the time of reports submission should not be cause to invalidate merit of the appeal. He was confused HQ AFPC/DPPA's questioned what unit mission description was used for other officers assigned to the same unit. This has never been in question. He does not contest that the unit mission description used for his reports were different from other officers from his unit. He was not competing on the CY97C board solely against officers from his unit. There were thousands of officers competing on that board. Most had unit mission descriptions different from his (as most officers were assigned to different units). His contention has been that his unit mission description (along with every other officer assigned to his unit) was incomplete/inaccurate. He was, therefore, at a disadvantage relative to other officers competing for promotion. He had expressed concern over the unit mission description

several times during the three years assigned to the unit. It was not until after the CY97C board that any consideration was given to changing the description. Moreover, his group commander counseled him not to submit a letter to the board when he expressed concerns over this matter. He (group commander) felt a letter would attract negative attention to his record. This is the prevailing opinion, throughout the Air Force, regarding sending a letter to a promotion board. Although the option exists, letters to the board are generally considered a last resort. Finally, he does not consider the option of writing a letter to the board a suitable substitute for a record correction.

Applicant further states he must reiterate that the 53 WG's dismal promotion rate clearly reflects the possibility that command level, as indicated by unit mission description, may have impacted promotion. He has had the opportunity to discuss his nonselection with several senior officers, AFMPC, and have had his records reviewed personally by the HQ ACC/DO. The conclusion has been unanimous that the perceived command level of his staff tour was a major factor in nonselection. HQ AFPC/DPPA does not address his contention that his records are incomplete due to inability to include job performance information related to his participation in covert Special Access Required programs. This is the cornerstone of his appeal, yet no mention is made by HQ AFPC/DPPA in their advisory opinion. He respectfully requests that the SAR program accomplishments memorandum, on file at SAF/AZZ, be reviewed and considered as part of his request for promotion reconsideration.

In further support of his appeal, applicant submits a statement from the rater and additional rater on the OPR closing 13 March 1997 and the Test Group Commander.

Applicant's complete response, with attachments, is attached at Exhibit E.

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 having carefully weighed the contents of the applicant's OPRs rendered from 1994 through 1997 against the true nature of his assignments and the caliber of his duty performance, we believe he has not been deprived of an opportunity to fairly compete for promotion to the grade of lieutenant colonel along with his peers. Applicant contends that the unit mission description on

the contested OPRs is inadequate; however, based on the evidence submitted, applicant has failed to provide sufficient evidence to substantiate that the description is either in error or unjust. The only statement submitted from the rating chain is from [REDACTED] who is the reviewer on the OPR closing 13 March 1997 and the senior rater on the PRF. The reviewer states that the unit mission description is incomplete; however, he has failed to state why the description was not changed prior to his approval of the OPR or what new information has been provided to him to substantiate that the description in question is erroneous or inadequate. The PRF prepared for the CY97C Selection Board appears to have been accurately prepared.

4. In summary, the applicant believes that his performance during 1994 to 1997 while participating in Special Access Required (SAR) programs was not accurately documented on his performance reports and PRF prepared for the CY97C Selection Board. We have reviewed the nature of his assignment, his performance and accomplishments. While we understand the restrictions placed on the rating chain members in preparing these reports, we believe that they adequately describe the quality of the applicant's accomplishments and performance during the periods in question and we are convinced that he was not deprived of an opportunity to fairly compete for promotion. The applicant has not provided sufficient documentation to substantiate that the unit description on the contested OPRs and PRF was either in error or unjust.

5. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice warranting consideration for promotion to the grade of lieutenant colonel by Special Selection Board (SSB). The Air Force states the time it took to process the AFCM 20LC was exorbitant. We note it took from 1991 to 1998 for the award in question to be processed; therefore, we also agree that the delay was excessive. The Air Force also states that they would not object to promotion reconsideration by the CY97 board. Since applicant's records were not complete and up to date at the time he was considered for promotion to lieutenant colonel, we recommend his corrected record be considered for promotion by SSB for the CY97 board.

THE BOARD RECOMMENDS THAT:

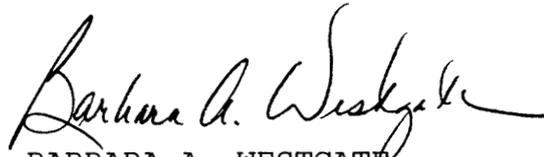
The pertinent military records of the Department of the Air Force relating to APPLICANT, to include the Air Force Commendation Medal, 2nd Oak Leaf Cluster, for the period 31 August 1989 through 28 February 1991, be considered for promotion to the grade of lieutenant colonel by Special Selection Board for the CY97C Lieutenant Colonel Board.

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

Mrs. Barbara A. Westgate, Panel Chair
Mr. John J. Nethery, Member
Mr. Robert W. Zook, Member

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

- Exhibit A. DD Form 149, dated 5 June 1998, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPPA, dated 25 June 1998.
- Exhibit D. Letter, AFBCMR, dated 13 July 1998.



BARBARA A. WESTGATE
Panel Chair



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

25 JUN 98

MEMORANDUM FOR AFBCMR

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

B [REDACTED]

Requested Action. The applicant requests changing the unit mission description on the 15 Jun 95, 13 Mar 96, and 13 Mar 97 officer promotion reports (OPRs) and the promotion recommendation form (PRF) (copy attached) submitted to the CY97C (21 Jul 97) (P0597C) lieutenant colonel selection board. In addition, he requests promotion reconsideration by the P0597C board.

Basis for Request. The applicant contends his records are incomplete due to his direct participation in covert Special Access Required (SAR) programs. He, therefore, considers his records an inaccurate and false representation of his job performance and impact on mission accomplishment. In addition, the applicant contends his Air Force Commendation Medal, 2nd Oak Leaf Cluster (AFCM 2OLC), was not on file for the board.

Recommendation. Partial approval.

Facts and Comments:

- a. Application is timely filed. No similar application was submitted under the provisions of AFI 36-2401, Correcting Officer and Enlisted Evaluation Reports. We did not return the application since the application does not have the required evaluator support necessary to challenge the validity of an evaluation report.
- b. The applicant has one nonselection by the P0597C promotion board. He was again considered by the CY98B (1 Jun 98) (P0598B) lieutenant colonel board; however, the results from that board are not releasable at this time.
- c. The governing directives are AFR 36-10, Officer Evaluation System, 1 Jul 96, and AFI 36-2402, Officer Evaluation System, 1 Jul 96.
- d. In support of his appeal, the applicant submits a personal brief and two memorandums from the senior rater and reviewer on the 13 Mar 97 OPR. We would like to point out that this appeal is identical to one previously received on an officer from the same squadron

9801651

(AFBCMR Docket number 97-03680). As a matter of fact, with the exception of the names of the applicants, the two letters from the senior rater/reviewer are identical to those received with the other applicant's appeal.

e. Air Force policy is that an evaluation report is accurate as written when it becomes a matter of record. It takes substantial evidence to the contrary to have a report changed or voided. To effectively challenge an OPR or PRF, it is important to hear from all the evaluators on the contested report--not only for support, but for clarification/explanation. The applicant provided a letter of support from the reviewer/rater of the most recent OPR and PRF. However, we do not find any evidentiary support from any other members of the rating chain of the contested reports. The applicant has not provided the necessary information to substantiate his contention the unit mission description on the reports was erroneous or inadequate. We, therefore, conclude the contested reports to be accurate as written.

f. The reviewer/senior rater from the most recent OPR/PRF states in his memorandum the unit mission description was incomplete because it did not reflect the full scope of the unit's responsibilities, or the fact the unit had "command level" equivalency. However, he does not admit how he was hindered from submitting the original report with a fitting unit mission description when he wrote/reviewed and signed the original OPR and PRF. Further, he does not say he has new information now that was previously unavailable to him when the contested reports became matters of record. If he knew the unit mission description was wanting, why did he knowingly submit a report that did not adequately convey the breadth and importance of the individual's duty performance or accurately describe the unit's mission?

g. What is not addressed by either the applicant or the lone evaluator is what unit mission description was used on the OPRs rendered for other officers assigned to the same unit during the period of the contested report. Since this appeal is identical to that of another officer in the same squadron, it is apparent the same unit mission description was used for not only these two officers, but probably for any other officer eligible for the P0597C board as well. The applicant has not furnished evidence the unit mission description on his OPR differed from that of other officers in the unit thereby indicating his OPR was erroneous. However, if the applicant can provide documentation proving his unit mission description differed from any other officer eligible for the P0597C board, we would appreciate the opportunity to review and comment on any such evidence presented to the AFBCMR prior to their decision being rendered.

h. Each officer eligible for promotion consideration by the P0597C board received an officer preselection brief (OPB) several months prior to the date the board convened in July 97. Written instructions attached to the OPB and given to the officer before the central selection board specifically instruct him/her to carefully examine the brief and associated records for completeness and accuracy. The instructions also provide addresses, and in most cases, phone numbers for each area responsible to assist the officer who identifies discrepancies. If any errors are found, he/she must take corrective action prior to the selection board, not after it. The instructions specifically state, "***Officers will not be considered by a Special Selection Board if, in exercising reasonable diligence, the officer should have discovered the error or omission in his/her records and could have taken timely corrective action***" (emphasis added). We contend

the officer did not show proper diligence prior to the promotion board. He has been aware of the OPR unit mission description for almost three years because the same mission description was used on each of the OPRs rendered to him for each contested reporting period. In addition, if he felt the P0597C board may have had the perception the mission description was inadequate on the reports, or that he was now working at a subordinate command level due to the reorganization, he could have exercised his option to write a letter explaining the contested issues to the board president. However, we find no evidence he wrote any such letter to the board prior to his original consideration. We, therefore, are opposed to the board changing the unit mission description on the last three OPRs and most recent PRF and, therefore, also oppose SSB consideration.

i. There is no clear evidence the unit mission description negatively impacted his promotion opportunity. Central boards evaluate the entire officer selection record (OSR) (including the PRF, OPRs, officer effectiveness reports, training reports, letters of evaluation, decorations, and officer selection brief), assessing whole person factors such as job performance, professional qualities, depth and breadth of experience, leadership, and academic and professional military education. We are not convinced the contested OPRs and PRF caused the applicant's nonselection.

j. The applicant also contends the AFCM 20LC was submitted in conjunction with his reassignment from [REDACTED] and coincided with the deactivation of the Group. He states the award was never processed and not included with his records when it was considered by the board. Even though the special order was published on 28 May 98 and the citation was filed in his record on 29 May 98, we note the closeout of the award was Feb 91. As such, we believe the time it took to process this was exorbitant, and we would not object to promotion reconsideration by the P0597C board on this issue.

Summary. Based on the lack of evidence provided regarding the contested PRF and OPRs, we recommend denial. However, as discussed in paragraph j above, we would not object to promotion reconsideration by the P0597C on the decoration issue.



Joyce E. Hogan

JOYCE E. HOGAN

Acting Chief, Appeals and SSB Branch
Directorate of Pers Program Mgt