



CUI//SP-MIL/SP-PRVCY

**UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS**

ADDENDUM TO RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2004-02594-5

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

The Board reconsider his request for promotion to the grade of chief master sergeant (E-9).

RESUME OF THE CASE

The applicant is a retired Air Force senior master sergeant (E-8).

On 17 Feb 05, the Board considered and denied his request for promotion to E-9 or in the alternative, be considered for supplemental promotion to E-9 with 60 days to prepare for the test and his previous test be thrown out, reinstatement to active duty, 60 days of leave restored, and an assignment to *Work-Product*. After thoroughly reviewing the evidence of record, the Board found no evidence to show the applicant's records were in error when they were considered for 02E9 supplemental promotion consideration; therefore, his request for direct promotion to E-9 or additional supplemental promotion consideration for the 02E9 promotion cycle was not warranted. Since submitting his appeal, the applicant was notified his records would receive 03E9 supplemental promotion consideration on 2 May 05 because the Evaluation Reports Appeal Board (ERAB) voided his 8 Sep 02 Enlisted Performance Report (EPR). In the case of the applicant's request for leave reimbursement, it appears when the applicant voluntarily pulled his retirement paperwork, the responsible officials applied appropriate standards in determining the usage of his use or lose leave. Other than the applicant's assertions, the Board found no evidence to show he was not afforded the same opportunities as other members in his situation concerning the usage of his leave. Therefore, the Board agreed with the recommendations of the Air Force and adopted the rationale expressed as the basis for their decision finding the applicant failed to sustain his burden of proof he has suffered either an error or an injustice. In view of the foregoing, the Board concluded no basis existed to recommend granting the relief sought in his application.

On 10 Aug 06, 11 Sep 06, 2 Nov 07, and 26 Apr 20, the applicant filed several applications for reconsideration. On 11 May 07, 8 Aug 08 and 25 Mar 21, all of these applications were filed without action determining no newly discovered relevant evidence was present.

For an accounting of the applicant's original request and the rationale of the earlier decision, see the AFBCMR Letters and Record of Proceedings at Exhibits G, H, I, and J.

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Controlled by: SAF/MRB
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Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

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On 10 Jun 22, the applicant requested reconsideration of his request for promotion to E-9. He again contends AFI 36-2502, *Enlisted Airman Promotion/Demotion Programs*, was violated when his promotion consideration was mishandled by the 03E9 Supplemental Board. Scores from an illegally administered test taken in Sep 03 were factored into his supplemental promotion consideration. This test should be voided and he should be retroactively promoted to E-9. He has contacted several offices to resolve this issue and was told the regulations do not speak to this issue and the matter would have to be resolved at a higher level. An attempt was made to rectify the situation by allowing his records to receive supplemental board consideration in May 05, but this was an imperfect solution and further corrective action is needed. The test he took while ineligible for promotion should have been removed from his records and not considered by the Supplemental Promotion Board. The test results from 2002 were the most legal results on file.

In support of his reconsideration request, the applicant submitted the following new evidence: 1) a letter from SAF/MRBC to the applicant in response to his congressional complaint dated 16 Mar 22; 2) an email from AFPC in response to the applicant's questions on promotional testing, dated 10 Jun 22, in which the applicant asked two generic questions to which he states the email response he received did not answer his questions; and 3) a myPers request, dated 23 May 22.

The applicant's complete submission is at Exhibit K.

FINDINGS AND CONCLUSION

1. The application was timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board remains unconvinced the evidence presented demonstrates an error or injustice. The Board reviewed the new evidence submitted by the applicant; however, it is not sufficient to overturn the previous Board's decision. Per Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 3.10.5, applicants have the burden of proof for providing evidence in support of their claim. The evidence presented, his congressional complaint and his inquiries to AFPC, did not convince the Board his request for a promotion to the grade of E-9 is warranted nor did they find, any error or injustice occurred during the supplemental board process. Therefore, the Board recommends against correcting the applicant's records.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

CERTIFICATION

The following quorum of the Board, as defined in DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2004-02594-5 in Executive Session on 26 Apr 23:

Work-Product [Redacted] Panel Chair
[Redacted], Panel Member
Work-Product [Redacted] Panel Member

All members voted against correcting the record. The panel considered the following:

- Exhibit G: Record of Proceedings, w/ Exhibits A-F, dated 17 Feb 05.
- Exhibit H: Non-viable Letter, SAF/MRBC to Applicant, dated 11 May 07.
- Exhibit I: Non-viable Letter, SAF/MRBC to Applicant, dated 8 Aug 08.
- Exhibit J: Non-viable Letter, SAF/MRBC to Applicant, dated 25 Mar 21.
- Exhibit K: Application, DD Form 149, w/atchs, dated 10 Jun 22.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

1/1/2024

Work-Product [Redacted]

Board Operations Manager, AFBCMR

Signed by: *Work-Product* [Redacted]