RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2010-01904

XXXXXXX COUNSEL: NONE

HEARING DESIRED: YES

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APPLICANT REQUESTS THAT:

1.  His Officer Performance Report (OPR), rendered for the period of 6 Jun 08 through 5 Jun 09, be removed from his record.

2.  His corrected record be considered by a Special Selection Board (SSB) for promotion to the grade of lieutenant colonel (O-5).

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APPLICANT CONTENDS THAT:

His rater and additional did not base their comments on his overall performance and potential as compared to other officers in the same grade. Instead, they provided a defacto non-recommendation for promotion when they knowingly omitted recommendations for command assignments and in-residence professional military education (PME) based on his status as a continued officer. Without supporting evidence, this omission was intended as a statement to not consider him for promotion. No negative feedback was presented by the raters to justify the sudden and dramatic drop in his rating. To the contrary, his promotion recommendation form (PRF), written just a month prior to the OPR, was laudatory, endorsing his selection for in-residence developmental education (IDE) and command assignments. Instead, the omission was justified based on the perception that his probability for promotion was very low due to his status as a continued officer.

In support of his request, the applicant provides an expanded statement and copies of two supporting statements, the contested OPR, two of his PRFs, email traffic related to the matter under review, and Records of Proceeding from two apparently similar AFBCMR cases.

The applicant’s complete submission, with attachments, is at Exhibit A.

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STATEMENT OF FACTS:

Information extracted from the Military Personnel Data System (MilPDS) indicates the applicant is currently serving in the Regular Air Force in the grade of major (O-4), effective and with a date of rank of 1 Dec 03, and has three nonselections for promotion to the grade of lieutenant colonel (O-5). The overall recommendation on his most recent Promotion Recommendation Form (PRF) was “Promote.”

OPR profile since 2001 follows:

PERIOD ENDING EVALUATION OF POTENTIAL

25 Jun 01 Meets Standards

25 Jun 02 Meets Standards

25 Jun 03 Meets Standards

6 Dec 03 Meets Standards

6 Dec 04 Meets Standards

6 Dec 05 Meets Standards

6 Dec 06 Meets Standards

25 Aug 07 Meets Standards

5 Jun 08 Meets Standards

**\*#** 5 Jun 09 Meets Standards

5 Jun 10 Meets Standards

**\*** Contested Report

**#** Top Report at the time he was considered and nonselected for promotion to the grade of lieutenant colonel by the Calendar Year 2009B (CY09B) Lieutenant Colonel Central Selection Board (CSB).

The remaining relevant facts pertaining to this application are contained in the letters prepared by the appropriate offices of the Air Force, which are attached at Exhibits C and D.

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AIR FORCE EVALUATION:

AFPC/DPSID recommends denial, indicating the applicant has not provided clear evidence of an error or injustice. The contested report did not include a recommendation for career advancement (job push) or developmental education (DE). Prior to the report becoming a matter of record, the Senior Rater completed a PRF for the contested promotion board which contained a DE and job push. When the applicant received his OPR on 19 Jun 09 for his review, he contacted his evaluators to request a reevaluation and correction of the report. He believes the evaluators chose not to correct the report because of the probability of promotion instead of his performance or potential. Although he provides a previous AFBCMR directive, the applicant’s case is different in nature. In this case, his chain of command (rater, additional rater/senior rater) made a deliberate decision not to provide a DE push. Although the AFI authorizes DE recommendations, it does not mandate them. The AFI specifically states, “The intent and philosophy of the officer evaluation system (OES) is to recommend an officer for assignments/ positions and resident level of PME that reflects his or her potential and are appropriate for the current grade held.” The applicant suggests the absence of a DE push was a bias toward above-the-zone officers; however, the emails provided do not give any indication of such a bias, but do indicate the decision not to give a DE push was based on the applicant’s potential.

A complete copy of the AFPC/DPSID evaluation is at Exhibit C.

AFPC/DPSOO recommends denial of the applicant’s request for SSB consideration, indicating they must rely on the AFPC/DPSID recommendation to deny his request to remove the contested OPR. The applicant has three non-selections for promotion to the grade of lieutenant colonel. He was also considered by the CY10A CSB; however, results have not been released. The CY10A CSB is the only board that considered the contested OPR in the promotion process.

A complete copy of the AFPC/DPSOO evaluation is at Exhibit D.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant provides an expanded statement indicating the AFPC advisories fail to adequately address several aspects of his case. He does not dispute the fact the AFI does not mandate a DE recommendation or that any error exists in his OPR in the literal application of the AFIs. However, there are several questionable actions by his raters unaddressed by AFPC which illustrate an intentional effort to degrade his report. AFPC fails to counter the fact the absence of DE pushes represents a clear and deliberate signal when DE pushes are an expected practice for 100 percent of promotable officers. AFPC does not discuss or discredit any of the facts presented regarding the behavior of his raters, but only provides a general statement of how the emails do not provide any indication of bias. AFPC does not sufficiently address why the AFBCMR cases he references do not apply to his particular situation. He argues the evidence he has presented demonstrates he has suffered a clear regression in his OPRs without justification similar to the referenced AFBCMR cases where relief was granted. Additionally, neither his home station rating chain nor senior reviewer discussed his recent performance with his rating chain in Pakistan when considering content for his PRF in Nov 09. AFI 36-2406 clearly indicates that senior raters must be knowledgeable of the ratee’s most recent performance when developing a PRF. By avoiding any feedback regarding his recent efforts with his raters in Pakistan, his rating chain could plead ignorance when preparing his PRF and could use the weak OPR to easily justify a blank PRF.

A complete copy of the applicant’s response is at Exhibit F.

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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 an error or injustice. The applicant contends that his evaluators’ knowingly omitted recommendations for command and in-residence professional military education (PME) based on his status as a continued officer, rather than his performance and potential. However, after a thorough review of the applicant’s complete submission, including his response to the Air Force evaluations, we are not convinced he has been the victim of an error or injustice. The applicant’s contentions are duly noted; however, we do not find his assertions or the documentation presented sufficient to persuade us the contested OPR is not an accurate depiction of his performance and potential. Therefore, in the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in 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 issues involved. Therefore, the request for a hearing is not favorably considered.

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THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of material error or injustice; the application was denied without a personal appearance; and 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 AFBCMR Docket Number BC-2010-01904 in Executive Session on 1 Mar 11, under the provisions of AFI 36-2603:

The following documentary evidence pertaining to AFBCMR Docket Number BC-2010-01904 was considered:

Exhibit A. DD Form 149, dated 12 May 10, w/atchs.

Exhibit B. Applicant's Master Personnel Records.

Exhibit C. Letter, AFPC/DPSID, dated 28 Jul 10 [sic].

Exhibit D. Letter, AFPC/DPSOO, dated 16 Jul 10.

Exhibit E. Letter, SAF/MRBR, dated 6 Aug 10.

Exhibit F. Letter, Applicant, dated 31 Aug 10, w/atch.