RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2010-01983

XXXXXXX COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

1.  His three in-the-promotion zone (IPZ) nonselections to lieutenant colonel by the calendar years (CY) 2006C, CY2007B, and CY2008B Lieutenant Colonel (O-5) Central Selection Boards (CSB) be set aside.

2.  His Officer Selection Brief (OSB), considered by the CY2009B Lieutenant Colonel CSB, be corrected to reflect his accurate assignment history.

3.  His records be corrected to reflect his North Atlantic Treaty Organization (NATO) Humanitarian deployment to Pakistan, 365-day temporary duty (TDY) assignment to Al Udeid, Qatar, 120-day deployment to Sarajevo, Bosnia, as well as his overseas assignment to Hawaii and two overseas assignments to Korea **(to be administratively resolved).**

4.  He be credited with the Air Force Overseas Ribbon - Short Tour (AFOR-ST), first oak leaf cluster (1OLC), and the Air Force Overseas Ribbon – Long Tour (AFOR-LT).

5.  His corrected record be considered by a Special Selection Board (SSB) for the CY2009B Lieutenant Colonel CSB as his first IPZ consideration.

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APPLICANT CONTENDS THAT:

He should not have been considered in-the-promotion zone (IPZ) by the CY2006 CSB. His first IPZ board should have been the CY2009B CSB based on his commissioning date of 13 May 95. When he returned to active duty on 4 Jun 04, he was placed into a 1992 year group based on his 13 May 03 date of rank (DOR) to major and, as a result, competed for promotion against peers who had three additional years of evaluated service. Prior to the CY2009B CSB, he completed a NATO staff tour, a four-month deployment to Pakistan, and a 365-day TDY to the CENTAF Combined Air Operations Center (CAOC) as a team chief. This experience would have strengthened his record for selection to lieutenant colonel on the CY2009B CSB if it had been his IPZ opportunity.

In support of his request, the applicant provides an expanded statement and copies of his active duty order, TDY orders, NATO travel orders, officer performance reports (OPR), and a supporting statement.

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), with a date of rank of 13 May 03.

On 7 Jul 10, AFPC/DPAPP notified the applicant that his requests for credit for his overseas deployments to Bosnia, Pakistan, and Qatar, as well as his overseas assignments to Hawaii and Korea, had been administratively resolved.

On 5 Aug 10, AFPC/DPSIDR notified the applicant that he had not satisfied all of his administrative remedies regarding his requests for the AFOR-ST (1OLC) and AFOR-LT and referred him to his servicing Military Personnel Flight (MPF) for resolution.

The remaining relevant facts pertaining to this application are contained in the letter prepared by the appropriate office of the Air Force, which is attached at Exhibit C.

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AIR FORCE EVALUATION:

AFPC/DPSOO recommends denial of the applicant’s request for SSB consideration by the CY2009B Lieutenant Colonel CSB as if it were his first IPZ consideration, indicating there is no evidence of an error or injustice. While the applicant contends that his three-year break in service, during which he served in the Air Force Reserve, caused him to be considered IPZ three years earlier than his commissioning year group, reserve officers ordered to active duty maintain their rank and DOR. As such, the applicant was appropriately considered by the CY2006C CSB. It is not unusual for officers who transfer from the Guard, Reserve, or sister Services to appear outside their normal promotion year group. Additionally, upon entering the Air Force, each applicant is advised their IPZ board will be based on their calculated DOR and current board schedules, but could be earlier or later, based on future board schedules. While the applicant was initially notified he would be IPZ eligible in CY2007, there were two CSBs in 2006 and the applicant was eligible for and considered IPZ by the contested board. Furthermore, the applicant’s case is no more unique than anyone else’s. He had more time on active duty to build a competitive record than many of the offers who entered active duty at the same time he did. Because of the DORs for many of these officers, they became immediately eligible for promotion consideration while having only 12 months on active duty, far less than the applicant had to build a competitive record. With respect to his contentions regarding his assignment history on his Officer Selection Brief (OSB), which was considered by the CY2009B CSB, AFPC/DPSOO recommends his assignment duty history be corrected by deleting the 21 Aug 07 duty title entry and changing his 5 May 07 duty title entry to reflect “Chief, PED Team, Qatar.”

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

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 17 Sep 10 for review and response within 30 days. As of this date, no response has been received by this office (Exhibit D).

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THE BOARD CONCLUDES THAT:

1.  The applicant has not exhausted all remedies provided by existing law or regulations.

2.  The application was timely filed.

3.  Sufficient relevant evidence has been presented to demonstrate the existence of an error or injustice to warrant correcting the officer selection brief (OSB) prepared for CY2009 Central Selection Board. In this respect, we note the Air Force OPR has indicated that the applicant’s duty history, as reflected on his OSB, was incorrect when he was considered for promotion by the CY2009 CSB. Accordingly, the OSB should be corrected to accurately reflect his duty history. As regards to his foreign service, we note the Air Force office of primary responsibility has verified the applicant’s overseas deployments and assignments and will correct his records administratively.

4.  Insufficient relevant evidence has been presented to demonstrate the existence of an error or injustice warranting setting aside the applicant’s three in-the-promotion zone (IPZ) nonselections to the grade of lieutenant colonel in favor of granting a Special Selection Board (SSB) as if it was his first IPZ consideration. 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 office of primary responsibility and adopt its rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice. With respect to his requests related to the AFOR-S (1OLC) and AFOR-L, we note the applicant has not exhausted all his administrative remedies; therefore, no action by the Board is required in this respect. Therefore, in the absence of evidence to the contrary, we find no basis to recommend granting the applicant’s request to set aside his nonselections for promotion in favor of an SSB.

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THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to the APPLICANT be corrected to show that the Officer Selection Brief (OSB), prepared for consideration by the CY2009B Lieutenant Colonel Central Selection Board (CSB), be, and hereby is, amended in the “Assignment History” section by deleting the duty title “Chf, CAOC Poc Expl & Dissem Tm,” with the effective date of 21 August 2007; and by replacing the duty title “Chf, CAOC Poc Expl & Dissem Tm,” with the effective date of 5 May 2007 with “Chief, PED Team, Qatar.”

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The following members of the Board considered AFBCMR Docket Number BC-2010-01983 in Executive Session on 8 Feb 11, under the provisions of AFI 36-2603:

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

Exhibit A. DD Form 149, dated 11 May 07, w/atchs.

Exhibit B. Applicant's Master Personnel Records.

Exhibit C. Letter, AFPC/DPSOO, dated 13 Sep 10.

Exhibit D. Letter, SAF/MRBR, dated 17 Sep 10.