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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

ADDENDUM TO RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2016-04887-2

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COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

The Board reconsider the following requests:

1. The AF IMT 475, *Training Report*, for the period 2 June 2011 thru 17 April 2012, and all accompanying documentation, be removed from her military record.
2. A Special Selection Board (SSB) be allowed to consider her corrected record for promotion to lieutenant colonel (O-5).

RESUME OF THE CASE

The applicant is a currently serving Air Force Reserve lieutenant colonel (O-5).

On 24 January 2019, the Board considered and denied the applicant's request that 1) the AF IMT 475, for the period 2 June 2011 thru 17 April 2012, and all accompanying documentation, be removed from her military record; and 2) a Special Selection Board (SSB) be allowed to consider her corrected record for promotion to lieutenant colonel (O-5); finding the applicant had provided insufficient evidence of an error or injustice to justify relief.

For an accounting of the applicant's original request and the rationale of the earlier decision, see the AFBCMR Letter and Record of Proceedings at Exhibit K.

On 5 October 2023, the applicant submitted an application to the Board requesting reconsideration of her request. She again contends that on 3 January 2012, she received a Letter of Reprimand (LOR) for an alleged incident that occurred in a civilian status, on a civilian temporary duty (TDY), regarding a miscommunication surrounding the filing of a civilian timecard and accompanying travel voucher. The alleged misconduct was never addressed in her civilian record. The incident in no way fell under the Uniform Code of Military Justice (UCMJ); but instead of being addressed on the civilian side, she received an LOR, which generated a referral report that has had unjust, long-term impacts on her military career. By-law, changes to the promotion process in 2021 now require this adverse information be directly considered by the promotion board, which negatively and unjustly impacts her chances for promotion.

In support of her reconsideration request, the applicant submitted a five-page letter to the Board as well as supporting documents that were provided with the original application. The applicant contends since her original request, the rules surrounding adverse information for promotion consideration have changed dramatically, which significantly impacts her promotion potential. She believes the record to be unjust for the following reasons: the LOR

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occurred while she was in a civilian status; the alleged misconduct was never addressed in her civilian record; and the incident did not fall under the UCMJ. The LOR was the result of a wing-level Commander Directed Investigation (CDI) regarding allegations surrounding timekeeping and travel vouchers. She was never allowed to see the results of the investigation. There is no question that she never received, nor did she attempt to receive hours of time she was not entitled to. At the time she received the LOR, she truly believed it was a minor setback which she could overcome with professionalism, dedication, and hard work. Despite years of commendable service and perseverance before and since the incident, this unjust mark on her otherwise unspoiled record continues to plague her and it has had a devastating impact on her career.

The applicant's complete submission is at Exhibit L.

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. The Board notes an LOR is a form of an administrative action. It is not a criminal action, and as such it is not subject to the jurisdictional limitations under the UCMJ. Furthermore, AFI 36-2907, *Adverse Administrative Actions*, provides that a military member can receive an LOR for misconduct in a civilian status. 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 Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2016-04887-2 in Executive Session on 9 July 2024:

Work-Product, Panel Chair

Work-Product, Panel Member

Work-Product, Panel Member

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

Exhibit K: Record of Proceedings, w/ Exhibits A-J, dated 28 January 2019.

Exhibit L: Application, DD Form 149, w/atches, dated 5 October 2023.

Exhibit M: Documentary evidence, including relevant excerpts from official records.

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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.

9/26/2024

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Board Operations Manager, AFBCMR

Signed by:

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