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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-03748

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

His Letter of Reprimand (LOR), issued 16 Aug 19, be removed from his Officer Selection Record (OSR).

### APPLICANT'S CONTENTIONS

On 18 Mar 20, the [Work-Product] Air Force Commander ([Work-Product]/CC), a major general, made the decision, in accordance with Air Force Instruction (AFI) 36-2608, *Military Personnel Records System*, paragraph 8.3.1, not to file the LOR in his OSR.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is an Air Force Reserve major (O-4).

On 16 Apr 19, he was issued an LOR by his squadron commander as the result of an investigation that on 7 Jun 19, his conduct violated Articles 92, 107, and 133 of the Uniform Code of Military Justice (UCMJ) as he failed to comply with testing procedures, lied about his actions to his leadership, and at all times in circumstances surrounding these actions, he conducted himself in a manner entirely wanting of the integrity expected of an officer in the United States Air Force, especially as he was the highest ranking officer of a class of younger officers for whom he should have been an example of leadership and integrity. On that same date, the applicant acknowledged receipt and provided a response.

On 21 Aug 19, his squadron commander, upon considering the applicant's response, decided to sustain the LOR and to establish and place the LOR within an Unfavorable Information File (UIF). On that same date, the applicant acknowledged the decision.

On 18 Mar 20, according to the [Work-Product]/CC memorandum, provided by the applicant, the [Work-Product]/CC, in accordance with AFI 36-2608, *Military Personnel Records System*, paragraph 8.3.1, decided that the LOR shall not be placed in the applicant's OSR.

On 3 Jul 24, AFRC/JA memorandum, *AFI 36-2504 10 Year Memorandum - <applicant>*, states, in accordance with AFI 36-2504, as the LOR does meet the exception to the 10-year rule, therefore, it should remain permanently in the applicant's OSR.

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For more information, see the applicant's submission at Exhibit A, the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit C.

## **APPLICABLE AUTHORITY/GUIDANCE**

**1.2. Adverse Information for Total Force Officer Selection Boards Overview.** All adverse information an officer receives will be filed in the OSR and will be considered by promotion selection, special selection, federal recognition (ANG specific), and selective continuation boards to the grade of O-4 and above (to include processes for O-3 promotions that have "extraordinary adverse information" per Department of Defense Instruction (DoDI) 1320.14, *DoD Commissioned Officer Promotion Program Procedures*). 1.2.1. Adverse information is any substantiated finding or conclusion from an officially documented investigation or inquiry or any other credible information of an adverse nature. To be credible, the information must be resolved and supported by a preponderance of the evidence. **(T-0)** To be adverse, the information must be derogatory, unfavorable, or of a nature that reflects clearly unacceptable conduct, integrity, or judgment on the part of the individual. **(T-0)** Adverse information includes, but is not limited to: 1.2.1.4. LORs.

**10 U.S. Code § 615 - Information furnished to selection boards,** (a) (3)(A) (A) In the case of an eligible officer considered for promotion to a grade specified in subparagraph (B), any credible information of an adverse nature, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry, shall be furnished to the selection board in accordance with standards and procedures set out in the regulations prescribed by the Secretary of Defense pursuant to paragraph (1). (B) A grade specified in this subparagraph is as follows: (ii) In the case of a reserve officer, a grade above lieutenant colonel or, in the case of the Navy, commander.

**10 U.S. Code § 14107 - Information furnished by the Secretary concerned to promotion boards,** (a) *Integrity of the Promotion Selection Board Process.* (3)(A) In the case of an eligible officer considered for promotion to a grade above lieutenant colonel, or, in the case of the Navy, commander, any credible information of an adverse nature, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry, shall be furnished to the selection board in accordance with standards and procedures set out in the regulations prescribed by the Secretary of Defense pursuant to paragraph (1).

**AFI 36-2504, Officer Promotion, Continuation and Selective Early Removal in the Reserve of the Air Force, 4 Aug 24, 5.9. Adverse Information.** 5.9.2.1. All adverse information an officer receives will be filed in the officer's OSR and will be considered by promotion selection, special selection, federal recognition (ANG specific), and selective continuation boards to the grade of major and above (to include processes for captain promotions that have "extraordinary adverse information" per DoDI 1320.14.

5.9.2.4.1. For O-6 and below boards for 10 years, except for substantiated conduct, any single act of which, tried by court-martial, could have resulted in the imposition of a punitive discharge and confinement for more than one year. **(T-0)** If the exception is met, the adverse information will remain in the OSR. **(T-0)** Except for the set aside of a court-martial or nonjudicial punishment action, earlier removal of adverse information from the OSR may only be directed pursuant to an AFBCMR recommendation.

5.9.2.5. The date of command action is used to establish the 10-year time period. For adverse cases described below in paragraph 5.9.3.1 for which there is no command action, the date of the substantiated adverse finding(s) or conclusion(s) from the officially documented

investigation or inquiry is used to establish the time period. In neither case is the date of the incident used. If the exception in the 10-year rule is met, the adverse information will be retained in the OSR permanently.

**AFI 36-2608, Military Personnel Records System, 26 Oct 15, 8.3. Letter of Reprimand (LOR) Procedures:** 8.3.1. An officer who receives a LOR on or after 1 February 1996 is notified by the immediate commander by memorandum that the officer's senior rater decides whether to file the LOR in the OSR. The memorandum provides the officer 3 duty days in which to submit written comments as to why the LOR should not be filed in the OSR. The memorandum also directs the officer to return the written statement to the immediate commander, who, in turn, forwards the memorandum with a recommendation to the senior rater. The decision to place the LOR in the OSR also applies to filing the LOR in the OCSRGP for LAF officers in grade of captain when they complete 7 years of active commissioned service, 4 years for ANG computed from the PSD and for non-line officers upon promotion to rank of captain.

8.3.2. The senior rater reviews the memorandum and any comments the officer submits and renders a final decision. The senior raters' decision is not subject to further review. The senior rater returns the decision memorandum and related correspondence to the officer's immediate commander.

## AIR FORCE EVALUATION

AFPC/DPMSSM recommends denying the request. Based on the documentation provided by the applicant and analysis of the facts, there is insufficient evidence of an error or injustice as it pertains to the administration of the LOR and UIF. He received an LOR for violating testing procedures as during a closed-book exam, he took unauthorized notes of the questions and answers and the removed them from the examination room without permission and communicated them to other students. When questioned, he initially stated he did not intend to share the notes with other students; however, this claim was later proven false when other students reported he shared the notes via GroupMe messaging and email. These actions constituted violations of Articles 92, 107, and 133 of the UCMJ. The commander administered the LOR, in accordance with DAFI 36-2907, and the applicant acknowledged receipt and provided a written response. After reviewing the evidence and the applicant's response, the issuing authority elected to maintain the LOR and place it in a UIF. There is no evidence of procedural deviations that would preclude filing in the applicant's record. Accordingly, the Special Programs section reviewed the applicant's Master Record Group and OSR and the LOR, to include the applicant's response, has been filed.

The complete advisory opinion is at Exhibit C.

## APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 26 Feb 25 for comment (Exhibit D), but has received no response.

The applicant's complete response is at Exhibit E.

## 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 concludes the applicant is not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DPMSSM and finds a preponderance of the evidence does not substantiate the applicant's contentions. While the applicant contends the LOR should be expunged from his OSR as the [Work-Product]/CC determined it would not be filed in his OSR, the Board disagrees. The Board notes the applicant failed to follow testing procedures designed to safeguard the reliability of an emergency procedures examination and when asked about his actions by his leadership, he abandoned all sense of integrity and chose to lie. These actions contained no semblance of the character or values required of an Air Force Officer. Thus, the Board unanimously agrees the LOR and UIF were the correct level of corrective action and finds it well within the commander's authority and the evidence does not demonstrate an error or injustice in warranting the removal of the LOR from his OSR. Additionally, the Board finds, in accordance with AFI 36-2608, *Military Personnel Records Systems*, the applicant's adverse information meets the exception to the 10-year retention rule which requires the LOR be kept in the selection record permanently. Furthermore, the applicant's circumstances are not unique compared to other similarly situated officers as the Congressional-mandate requires the military to furnish this type of adverse information for officers in the grade of O-4 and above to promotion selection boards. Therefore, the Board recommends against correcting the applicant's records.

## 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-2024-03748 in Executive Session on 18 Jul 25:

[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 A: Application, DD Form 149, w/atchs, dated 23 Oct 24.

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

Exhibit C: Advisory Opinion, AFPC/DPMSSM, dated 14 Feb 25.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 26 Feb 25.

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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.

7/30/2025

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Board Operations Manager, AFBCMR  
Signed by: USAF

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