

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-01058

XXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His record be re-evaluated and corrected to reflect he was promoted to the grade of chief master sergeant (CMSgt/E-9).

APPLICANT'S CONTENTIONS

It was an injustice that he missed being promoted to CMSgt/E-9 by less than one point. He had great assignments the last several years, filled officer's billets in several of those assignments, received excellent evaluations to include indorsements from lieutenant and major generals recommending immediate promotion to CMSgt/E-9. However, he was told the Detachment Chief he worked for during his last CMSgt/E-9 promotion board, called every member of that promotion board and asked them to make sure he was not promoted to CMSgt/E-9. Additionally, when he requested a waiver to go 2 years over 28 years active duty so he could have another chance at promotion to CMSgt/E-9, the Detachment Chief refused to sign the waiver.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

According to Special Order XX-XXX, the applicant was promoted to SMSgt/E-8, with a date of rank and effective date of 1 Aug 81.

On 30 Jun 85, the applicant was relieved from active duty, and retired effective 1 Jul 85, having served 28 years and 21 days of active service.

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

AIR FORCE EVALUATION

AFPC/DP2SPP, recommends denying the application and be time barred. Based on documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice that occurred during the promotion cycles for CMSgt/E-9. In accordance with AFR 39-29, *Promotion of Airmen*, in effect during the matter in question, promotions to SMSgt/E-8 and CMSgt/E-9 are a two-phase process. First, the airman must review their senior noncommissioned officer (SNCO) promotion data used to produce a promotion selection folder for the evaluation board panel. There are six factors that are weighted once an airman's folder is reviewed by the board. Second, the airman must take the USAF Supervisory Examination (USAFSE) worth 100 points. Airmen can achieve a maximum of 450 points for a board score and a maximum of 380 points for weighted factors. Airmen receive a Promotion Score Notice, and if he or she detects a score notice error or does not receive a score notice, must immediately notify the Consolidated Base Personnel Office (CBPO). If an error is identified, the CBPO will

ensure that airman receives supplemental consideration. IAW AFR 4-20, *Disposition of Air Force Records*, promotion history files are only maintained for a period of 10 years. Relevant records for the applicant's CMSgt/E-9 promotion board are no longer available and have not been provided. Without the applicant's score notice and promotion selection folder, a review cannot be accomplished.

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 3 Feb 22 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 not 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/DP2SPP and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board also notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Air Force Instruction 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence. The Board does not find it in the interest of justice to waive the three-year filing requirement. Therefore, the Board finds the application untimely and 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 application was not timely filed; it would not be in the interest of justice to excuse the delay; 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 Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2021-01058 in Executive Session on 25 May 22:

, Panel Chair
, Panel Member
, Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 21 Nov 20.

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

Exhibit C: Advisory Opinion, AFPC/DP2SPP, dated 8 Nov 21.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 3 Feb 22.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.

X

Board Operations Manager, AFBCMR