

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-01726

XXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

Her Promotion Recommendation Form (PRF) prepared for consideration by the Calendar Year 2020A (CY20A) Colonel Line-of-the-Air Force-Judge Advocate (LAF-J) (P0620A) Central Selection Board (CSB) be voided and replaced with a reaccomplished PRF; and her record to include the reaccomplished PRF be provided Special Selection Board (SSB) consideration by the CY20A Colonel CSB.

APPLICANT'S CONTENTIONS

On 11 December 2019, she received a signed copy of the PRF for the P0620A LAF-J promotion board scheduled for January 2020. This was the first time she saw her PRF as she was never sent a draft. The PRF had already been through the Management Level Review (MLR) process. She immediately noticed the two bullets in section IV of the PRF had almost identical language. She contacted her supervisor to determine whether it was intentional. After consulting with her senior rater, her supervisor assured her it was not intentional, but rather was a copy/paste error. He drafted a new PRF on behalf of the senior rater. The senior rater reviewed and signed the PRF as both the senior rater and the Management Level (due to a change of command between the senior rater PRF accounting date and the time of the MLR). On 23 December 2019, the senior rater sent the updated version to her supervisor and courtesy copied HQ USSF/S1 and DS1. HQ USSF/S1 and DS1 do not have a record of sending it to AFPC for replacement in her record. She discovered the original PRF was considered when she was able to access the "As-met" record in the Personnel Records Display Application (PRDA) on 4 May 2020. The reaccomplished PRF was completed prior to the CSB, but was never submitted to the Air Force Personnel Center (AFPC) for replacement in her promotion board record.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air Force lieutenant colonel (0-5).

The applicant's date of rank (DOR) to the grade of lieutenant colonel is effective and with a DOR of 1 May 2015.

The applicant was non-selected to the grade of colonel by the CY20A Colonel CSB (P0620A) which convened on 13 January 2020.

The following documents were provided by the applicant:

AF Form 709, *Promotion Recommendation*, prepared for the P0620A Board reflect an overall recommendation of "Promote."

On 23 November 2020, the applicant advised her senior rater and the MLR President that she was appealing her PRF from the P0620A board. The PRF contained two bullet lines in section IV (Promotion Recommendation) that had identical wording - "renowned space/cyber law expert & joint warrior." Her senior rater signed a new PRF before the board, but a "stop file" was never submitted to AFPC. She requested that the most recent PRF become a matter of record to meet an SSB for promotion consideration. On 25 November 2020, the applicant's senior rater and the MLR President concurred.

The applicant filed an Evaluation Review Appeal Board (ERAB) application in July 2020 and the ERAB denied the applicant's request on 6 April 2021. The board determined there was no error or injustice based on the documentation presented. Specifically, although the rating chain supported the requested substitution, the time for this was prior to the CSB IAW AFI 36-2406. Based on the documentation, there is no evidence a corrected AF Form 709 was submitted to the management level prior to the CSB. Based on the absence of this information, the board was not convinced there was an error or injustice in the PRF preparation/process.

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

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the application. The applicant provides information to the senior rater and MLR President; however, neither of these individuals provided detailed information explaining the impact the correction or change may have had on the final PRF content, rating, or the preparation process. The senior rater and MLR President will need to explain the change to the record of performance, its impact on the PRF, and how the requested PRF action relates to the change record of performance. Appeals based on errors in the preparation process must also be fully explained and substantiated. Senior raters must weigh the impact of the processing error on the PRF and explain how the error justifies the requested PRF change.

Although the rating chain supports the requested substitution, an evaluation is not erroneous or unfair because the applicant believe it contributed to a non-selection for promotion or may impact future promotion or career opportunities. The simple willingness by evaluators to upgrade, rewrite, or void an evaluation is not a valid basis for doing so. Based on the documentation, there is no evidence a corrected PRF was submitted to the Management Level prior to the CSB for correction and during the CSB, the board had the entire officer selection record for consideration.

Based on the above and consistent with Air Force policy, there does not appear to be an error or injustice in the PRF preparation/process and therefore the request should be denied to substitute the subject AF Form 709.

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 9 February 2022 for comment (Exhibit D), the applicant responded on 7 March 2022, indicating the advisory opinion is factually incorrect and misstates the purpose of her appeal. She is appealing the fact that the PRF that was presented to her on 23 December 2019 was not the PRF that met the board. This appeal is not about changing the language of the PRF after the board. The "working copy" PRF should have been replaced prior to the board IAW the policy and procedures in AFI 36-2406. Specifically, the MLR and A1 staff failed to send the correct PRF and STOP FILE to AFPC on 23 December 2019, more than two weeks prior to the board. The error that occurred on 23 December 2019 was one that she did not discover until May 2020 because the PRF process is not transparent. The PRF does not show as part of a member's record prior to the board. She had no way of knowing that the PRF that was presented to her as the final version prior to the board meeting was never submitted to AFPC. The error is completely on the staffing process of the MLR and the Major Command A1. That is the error and injustice she is appealing. Further, the advisory opinion fails to recognize General W was both the senior rater and the MLR President.

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 the victim of an error or injustice. The Board finds a preponderance of the evidence substantiates the applicant's contentions. The applicant's PRF prepared for consideration by the CY20A Colonel LAF-J (P0620A) CSB was re-accomplished due to an oversight. The senior rater re-accomplished the PRF prior to the CSB and should have been a matter of record before the CY20A Colonel LAF-J (P0620A) CSB. Therefore, the Board believes the wrong PRF on file is an injustice to the applicant. The Board recommends correcting the applicant's records as indicated below.
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 pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that:

a. The AF Form 709, *Promotion Recommendation Form* (PRF), prepared for the Calendar Year 2020A (CY20A) Colonel Line of the Air Force Judge Advocate (LAF-J) (P0620A) Central Selection Board (CSB) be removed from her records and replaced with the attached revised PRF signed by the original senior rater.

b. The corrected record, to include the attached revised PRF, be considered for promotion to the grade of colonel by a Special Selection Board (SSB) for the CY20A Colonel Line of the Air Force Judge Advocate (LAF-J) (P0620A) Central Selection Board (CSB), which convened on 13 January 2020.

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-2021-01726 in Executive Session on 15 March 2022:

, Panel Chair
, Panel Member
, Panel Member

All members voted to correct the record. The panel considered the following:

Exhibit A: Application, DD Form 149, w/atchs, dated 22 April 2021.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 3 February 2022.
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 9 February 2022.
Exhibit E: Applicant's Response, w/atch, dated 7 March 2022.

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