



CUI//SP-MIL/SP-PRVCY

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

ADDENDUM TO RECORD OF PROCEEDINGS

IN THE MATTER OF:

[REDACTED]

DOCKET NUMBER: BC-2021-01912

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

The Board reconsider his request for his Officer Performance Report (OPR) with closeout date of 29 Jun 98 be removed from his records and he be given another look for promotion to lieutenant colonel (O-5).

RESUME OF THE CASE

The applicant is a retired Air Force major (O-4).

On 19 Nov 02, the Board considered and denied his request for his OPR with closeout date of 29 Jun 98 be removed from his records, and he receive promotion consideration to lieutenant colonel (O-5) by a Special Selection Board (SSB), and any other relief deemed necessary.

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 F.

On 30 Nov 08, according to Special Orders (b) (6) [REDACTED], dated 12 Mar 08, the applicant was relieved from active duty, and retired effective 1 Dec 08, having served 28 years, 10 months, and 20 days of active service for retirement.

On 6 Apr 21, the applicant requested reconsideration of his request for his OPR with closeout date of 29 Jun 98 be removed from his records, and he receive another promotion consideration to lieutenant colonel (O-5) by an SSB. He again contends he was passed over for promotion due to the one vindictive (possibly racist) OPR with the closeout date of 29 Jun 98. In support of his reconsideration request, the applicant submitted the following new evidence: (1) Letter to the Chief of Staff of the Air Force (CSAF); and (2) Transcript and YouTube link to a 10 Nov 21, NBC Video Report "Few Latinos Hold High-Ranking Positions in U.S. Military."

The applicant's complete submission is at Exhibit G.

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the applicant's request to remove his OPR with the closeout date of 29 Jun 98. While the applicant alleges "discrimination," he provides no corroborating evidence to support his claim, or the evaluation was biased at the time submitted to the official record. The Air Force operates under the assumption that an evaluation is accurate and unbiased at the time submitted into the official record. Additionally, due to the passage of time (over 20

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POC: SAF.MRBC.Workflow@us.af.mil

years), evaluators may not be available and/or records disposition have expired to verify the applicant's assertion.

The complete advisory opinion is at Exhibit I.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 16 Jun 22, for comment (Exhibit J), but has received no response.

ADDITIONAL AIR FORCE EVALUATION

AFPC/DP2SP recommends denying the applicant's request for SSB consideration. The applicant was non-selected for promotion to the rank of lieutenant colonel by the CY00A (28 Nov 00) P0500A Line of Air Force (LAF) In-the Promotion Zone (IPZ) Central Selection Board (CSB), governed by AFI 36-2501, *Officer Promotions and Selective Continuation*. Based on the advisory provided by AFPC/DP3SP, concluding the applicant did not provide sufficient evidence warranting removal of the 1998 OPR, and with no material error within the applicant's Officer Selection Record (OSR), there is no basis to warrant an SSB.

The complete advisory opinion is at Exhibit K.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 17 Aug 22 ,for comment (Exhibit L), but has received no response.

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 that warrants overturning the previous Board's decision. The Board concurs with the rationale and recommendation of AFPC/DP3SP and AFPC/DP2SP and finds a preponderance of the evidence does not substantiate the applicant's contentions. Specifically, the applicant has not presented any evidence to corroborate his contention his OPR with closeout date of 29 Jun 98 was inaccurate and that his rater was vindictive when he rendered that OPR. 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-2021-01912 in Executive Session on 20 Apr 23:

[REDACTED], Panel Chair
[REDACTED] Panel Member
[REDACTED] Panel Member

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

- Exhibit F: Record of Proceedings, w/ Exhibits A-E, dated 19 Dec 02.
- Exhibit G: Application, DD Form 149, w/atchs, dated 6 Apr 21.
- Exhibit H: Documentary evidence, including relevant excerpts from official records.
- Exhibit I: Advisory Opinion, AFPC/DP3SP, dated 11 Jun 22.
- Exhibit J: Notification of Advisory, SAF/MRBC to Applicant, dated 16 Jun 22.
- Exhibit K: Advisory Opinion, AFPC/DP2SP, dated 25 Jul 22.
- Exhibit L: Notification of Advisory, SAF/MRBC to Applicant, dated 17 Aug 22.

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.

6/1/2023

X [REDACTED]

Board Operations Manager, AFBCMR
Signed by: [REDACTED]