



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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-00476

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

1. His records and officer selection brief (OSB) reflect a delta level deputy staff judge advocate assignment rather than field command/major command level assignment.
2. He be considered by a special selection board (SSB) for the CY21 Lieutenant Colonel Line of the Air Force, Judge Advocate (LAF-J) Central Selection Board (CSB) (P0521C).

APPLICANT'S CONTENTIONS

He met his in-the-promotion-zone (IPZ) board while stationed with the newly created United States Space Force (USSF). His billet was tied to the legal office at the former Air Force Space Command (AFSPC), which transitioned to the Space Operations Command (SpOC) after the stand-up of the USSF.

He was ordered to help with the stand-up of a provisional unit, Space Training and Readiness Delta, Provisional (STAR Delta P), as the deputy staff judge advocate, effective 31 Aug 20 to 4 Jul 21, without being issued any written permanent change of station (PCS) or permanent change of assignment (PCA) orders. He reported to a new supervisor and new senior rater and began work out of the newly procured office at Schriever SFB, 13 miles from Peterson AFB.

The new billets were not created for the USSF and there was a mismatch in his records between the duty title reflected on his promotion recommendation form (PRF) and OSB and the unit and echelon of assignment. In addition to being incorrect, this had the potential to confuse promotion board members because officers in the rank of major (O-4) are never assigned to a deputy staff judge advocate position at the command-headquarters (CMHQ) level. The mismatch in his records, through no fault of his own, had the potential to mislead the board to believe he had either been removed from his position or reassigned, or he possessed an inappropriate or mismatched duty title given the level of assignment on his OSB. He was unable to remedy the mismatch prior to the board.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a major (O-4) in the Air Force assigned in support of the USSF.

He provides his PRF for the P0521C board, which reflects his duty title as Deputy Staff Judge Advocate and organization of assignment as STAR Delta P, SpOC. The unit mission description

[REDACTED]

includes that he is assigned to Provisional USSF Delta. The senior rater reflects as the commander for STAR Delta P, SpOC.

He provides his OSB for the P0521C board, which shows his duty title as Deputy Staff Judge Advocate, effective 31 Aug 20, level "CMHQ" and USSF as the major command and organization.

His officer performance report (OPR) for the reporting period ending 11 Jun 21, shows his duty title as Deputy Staff Judge Advocate, and organization, command, location and component as Directorate of the Staff Judge Advocate, SpOC, with duties at STAR Delta P.

The applicant was selected for promotion to lieutenant colonel (O-5) by the CY22 Lt Col LAF-J CSB, which convened on 13 Jun 22.

For more information, see the excerpt of the applicant's record at Exhibit B and the applicable authority/guidance at Exhibit C.

APPLICABLE AUTHORITY/GUIDANCE

The Fiscal Year 20 National Defense Authorization (NDAA) directed the establishment of the USSF as a new service, effective 20 Dec 19. On 20 Jul 20, the Secretary of the Air Force (SecAF) directed the activation of STAR Delta P, a provisional unit. The status would change to a unit of the USSF upon concurrent redesignation of HQ USSF to HQ SPoC.

By Order of the Secretary of the Air Force (SecAF), United States Space Force Actions, dated 15 Oct 20, effective 21 Oct 20, STAR Delta P changed from a unit of the Air Force to USSF as a provisional unit assigned to the SpOC field command.

By Order of the SecAF, STAR Command, dated 16 Aug 21, effective 23 Aug 21, HQ STAR was activated as a field command of the USSF.

AFI 36-2501, *Officer Promotions and Selective Continuation*, paragraph 6.1, AFPC/DPPB conducts promotion SSBs to consider officers who were improperly considered or not considered for promotion. Paragraph 6.2, The AFBCMR or a federal court can direct an officer for consideration by an SSB. Paragraph 6.3, Conditions that may warrant an SSB include the board did not consider material information that should have been available in compliance with directives and policies.

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. In this respect, the Board notes the applicant's duty history on his PRF and OSB for the P0521C board were not the same. The OSB indicated a "CMHQ" level of command and the PRF showed he was assigned to a delta level, "SpOC." Accordingly, the Board recommends the applicant's OSB be corrected to reflect the correct assignment information he be considered by a SSB for the CY21 Lieutenant Colonel LAF-JA CSB. Therefore, the Board recommends correcting the applicant's records as indicated below.
- [REDACTED]

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:

- a. His OSB for the CY21 Lieutenant Colonel LAF-JA CSB reflect the following:

Effective Date: 31 August 2020
DAFSC: 51J4
Duty Title: Deputy Staff Judge Advocate
Level: Space Training & Readiness Delta (P) (SpOC)
MAJCOM: USF
Organization: US Space Force
Location: Schriever

- b. He be considered by a SSB for the CY21 Lieutenant Colonel LAF-JA CSB.

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-2022-00476 in Executive Session on 6 Dec 22:

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 8 Feb 21.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Applicable Guidance/Directive

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.

5/5/2025

Board Operations Manager, AFBCMR