

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01370

XXXXXXXXXXXX

COUNSEL: XXXXXXXX

HEARING REQUESTED: NO

APPLICANT'S REQUEST

She be provided special selection board (SSB) consideration for the CY17 Air Force Reserve Line and Non-line Lieutenant Colonel Position Vacancy (PV) Promotion Selection Board.

APPLICANT'S CONTENTIONS

On 13 Mar 17, she submitted a request via myPers requesting that her 2013 Officer Performance Report (OPR), signed 25 Jul 13, and her 2012 Air Force Achievement Medal (AFAM), dated 31 Oct 12, be entered into her record for the CY17 Air Force Reserve Line and Non-line Lieutenant Colonel PV Promotion Selection Board which convened on 12 Jun 17. However, on 17 May 22, she learned that her 2013 OPR had not been entered into her record until 16 Mar 18 and that it was possible that her 2012 AFAM had also not been entered into her record. The CY 17 PV promotion board did not select her for promotion and she should be considered for a SSB so that her completed record can be considered for promotion to lieutenant colonel (O-5).

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force Reserve lieutenant colonel (O-5).

On 13 Mar 17, according to the myPers Main Incident Workspace screenshot provided by the applicant, she requested that her 2012 AFAM and her 2013 OPR be added to her record.

On 24 Mar 17, according to the myPers screenshot provided by the applicant, she was notified that her requested update has been completed and that copies have been sent to the promotions office for inclusion in her record and that corrections had been made to her Personnel Records Display Application/Automated Records Management System (PRDA/ARMS) record.

On 12 Jun 17, the CY17 Air Force Reserve Line and Nonline Lieutenant Colonel Selection Boards convened at Headquarters, Air Reserve Personnel Center (HQ ARPC).

On 16 Mar 18, according to the electronic Officer Selection Record (eOSR) Evaluation Submission screenshot provided by the applicant, her 2013 OPR was completed and digitally signed on 25 Jul 13 and was successfully updated to ARMS.

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

APPLICABLE AUTHORITY/GUIDANCE

10 United States Code (USC) 628, Special Selection Boards, paragraph b, Persons Considered by Promotion Boards in Unfair Manner, states if the Secretary of the military department concerned determines, in the case of a person who was considered for selection for promotion by a promotion board but was not selected, that there was material unfairness with respect to that person, the Secretary may convene a special selection board under this subsection to determine whether that person (whether or not then on active duty) should be recommended for promotion. In order to determine that there was material unfairness, the Secretary must determine that: (A) the action of the promotion board that considered the person was contrary to law in a matter material to the decision of the board or involved material error of fact or material administrative error; or (B) the board did not have before it for its consideration material information.

10 USC 14502, Special selection boards: correction of errors, paragraph b, Officers considered but not selected; Material Error, states that in the case of an officer or former officer who was eligible for promotion and was considered for selection for promotion from in or above the promotion zone under this chapter by a mandatory promotion board convened under section 14101(a) of this title but was not selected, the Secretary of the military department concerned may, under regulations prescribed by the Secretary of Defense, convene a special selection board under this subsection to determine whether the officer or former officer should be recommended for promotion, if the Secretary determines that: (A) the action of the mandatory promotion board that considered the officer or former officer was contrary to law in a matter material to the decision of the board or involved material error of fact or material administrative error; or (B) the mandatory promotion board did not have before it for its consideration material information.

AIR FORCE EVALUATION

ARPC/PB, recommends approval of the applicant's request to grant a special selection board. The applicant was eligible for promotion consideration by the CY17 Air Force Reserve Line and Nonline Lieutenant Colonel Promotion Selection Board which convened on 12 Jun 17. On 13 Mar 17, two months prior to the board convening, she discovered an error and identified that two documents, the 2012 AFAM and the 2013 OPR were missing from her record and immediately requested through myPers to have the missing documents added to her record. On 30 Mar 17, she received notification through myPers, that the award/decoration was received and that copies were sent to the promotion office for inclusion into her promotion record and that the corrections were also made to her PRDA/ARMS record. However, her 2013 OPR, that was completed and digitally signed on 25 Jul 13, was not successfully uploaded to ARMS until 16 Mar 18, nine months after the CY17 board had convened. As such, the applicant has demonstrated her required due diligence to correct her promotion record prior to the promotion board convening. Therefore, based upon the applicant's submission and analysis of the facts there is evidence of an error or injustice.

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 21 Jun 22 for comment (Exhibit D), 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 concludes the applicant is the victim of an error or injustice. The Board concurs with the rationale and recommendation of ARPC/PB and finds a preponderance of the evidence substantiates the applicant's contentions. Therefore, the Board recommends correcting the applicant's records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that her record be considered by a Special Selection Board for the CY17 Air Force Reserve (USAFR) Line and Non-line Lieutenant Colonel Promotion Vacancy (PV) Promotion Selection Board.

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-2022-01370 in Executive Session on 12 Jul 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 17 May 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, ARPC/PB, w/atchs, dated 14 Jun 22.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 21 Jun 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.

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Board Operations Manager, AFBCMR