

## **RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-01496

XXXXXXXXXXXXXX

**COUNSEL:** XXXXXXXXXXX

**HEARING REQUESTED:** YES

### **APPLICANT'S REQUEST**

1. Promotion to the rank of senior master sergeant (E-8), effective Jan 20.
2. Back pay for active duty time from Jan 20 – Nov 21.
3. Retirement back pay in the rank of senior master sergeant effective Dec 21.
4. Continuation of retirement pay in the rank of senior master sergeant.

### **APPLICANT'S CONTENTIONS**

Prior to his transfer, the applicant was assigned as the Superintendent, Logistics Readiness Flight (LRF), and Superintendent, Material Management. Upon completing his tour, he was nominated for award of the Meritorious Service Medal (MSM). The nomination was submitted for approval in Aug 19. It was not submitted as a customary gesture of farewell but was earned and supported with the documented exemplary record of leadership and excellence captured on the applicant's Enlisted Performance Reports (EPR).

The month following submission of the MSM nomination, the applicant conducted a records review with follow up actions. He sought to ensure his MSM was properly reflected in his records for the promotion board. He sent an email to his former supervisor for an update and received a response that it was sitting at Group level with the expectation it would be signed. No action was taken, so the applicant followed up with another email and was told it was still at Group level but should move now that his EPR was signed. The new Air Force promotion policy took effect on 31 Jan 19, which removed the Weighted Airman Promotion Systems testing requirement from the process and the responsibility for promotion was left to the promotion board. It was crucial for all promotion eligible airmen to ensure their personnel records were complete and accurate by the record file freeze date of 17 Jan 20. Thus, his MSM needed to be reviewed, approved, and completed by the established records close out date of 17 Jan 20 to be included in the documents for consideration.

In preparation, the applicant reviewed his records in early Sep 19 and noticed his MSM had not been awarded. This concerned him as most awards are completed under 30 days. When he contacted his former supervisor, he was told not to worry as the commander would be approving the MSM upon his return from temporary duty. The applicant continued to stay in contact with his previous unit from Sep 19 through Jan 20.

On 17 Jan 20, the applicant was notified the MSM nomination was disapproved. The justification provided was "[Applicant] was fired and removed from [his] position as the LRF Superintendent." This was shocking to the applicant as he was never fired from the position; another Airman was promoted, and outranked the applicant, so he assumed the Superintendent position. The decision to disapprove the nomination was shared with the applicant on 17 Jan 20 making it impossible for any appeals to discuss the decision. His nomination was submitted in

Aug 19. Over 165 days passed and not once was there any conversation of concern or disapproval on this topic. The commander did not agree with this decision and immediately offered to award the Air Force Commendation Medal to correct the mistake; however, the applicant declined as the justification for denial was false.

On 24 Jan 20, the applicant filed a formal complaint with the Inspector General (IG) office against the commander for reprisal for disapproving the MSM nomination based on untruths and assumptions, not facts. The applicant did not receive his MSM due to repercussion from discrepancies in the accounting of equipment. When the applicant assumed supervision of Material Management, there were accountability issues with assets. He discovered there was no inventory conducted and erroneous data was transferred. He ensured the correction of all errors discovered and conducted a second inventory, then received authorization to adjust the differences. He followed Air Force protocols and requested a Report of Survey (ROS), which his supervisor and commander approved. At a later date, it was found a majority of the items did not adjust due to a system glitch. Someone then complained to the IG about mismanagement in this section. The IG halted all operations and ordered another inventory, but the commander had lost all faith with the management of the section. In Aug 18, the applicant learned the ROS signed by the commander was for a different amount than he recommended and does not know why the different dollar amount was used. This caused Material Management to be under a microscope and caused low morale. There were meetings later to reshape the narrative and demonstrate Material Management was not negligent in accounting for equipment. The MSM was disapproved due to an alleged history of terrible work performance and was screened out by the Senior Enlisted Advisor. He stated the applicant was responsible for the mismanagement and mishandling of the missing assets and was responsible for the loss. This was an outrageous claim as it was proven the missing equipment was an issue that dated back over 10 years. The MSM never made it out of the Senior Enlisted Advisor's office likely due to reprisal actions against the applicant. After reviewing the nomination, the commander immediately approved the award on 23 Feb 20.

The applicant was up for promotion and the delay in awarding him the MSM cost him that promotion. He was not selected because he missed the cutoff score by .5 points. A careful review of the record demonstrates that if command had properly approved his MSM and not sought to take retaliatory actions against him, the applicant would have been promoted to E-8. Air Force Pamphlet 36-2241, *Professional Development Guide*, reflects the maximum amount of points an airman can receive for decorations, with the MSM receiving 5 points. The applicant received a promotion board score of 382.5 without his MSM. The promotion board cutoff score was 383 for promotion. Adding the necessary 5 points for receiving the MSM would have resulted in the applicant receiving a score of 387.5 putting him above the threshold for promotion. It is clear he would have been promoted but for command withholding his MSM. If the Board does not consider the points for decorations applicable for promotions, the guidance from the Chief of Staff of the Air Force is to use the whole person concept that includes considering awards and decorations.

Due to his non-selection by the promotion board under his Air Force Specialty Code (AFSC), he went through the supplemental promotion review that conducts in-system supplemental promotion consideration. At this point, the applicant was no longer being compared to other airmen in his AFSC, but all E-7s in the Air Force. The original promotion board provided a score notice as of 25 Feb 20 that did not reflect the MSM awarded to the applicant on 12 Feb 20. There was a clear error by the Air Force and even the supplemental board did not rectify this error and injustice. These boards make it more difficult for an Airman to be promoted. AFI 36-2502, *Enlisted Airman Promotion and Demotion Programs*, provides that these boards are entirely subjective. Personal bias is a factor due to randomly assigned scores and the results of supplemental boards are not published so the applicant has no idea how he compared to others vying for promotion.

The MSM was earned by the applicant and unjustly removed. It was only after he submitted an IG complaint that his MSM was correctly awarded; however, the damage was already done with his promotion. The MSM was not factored into his score, which would have added 5 points. This caused him to miss the cutoff by .5 points as every other airman promoted had a score of over 383 points. But for this error, the applicant would have been promoted to E-8 within his AFSC.

The applicant's complete submission is at Exhibit A.

## **STATEMENT OF FACTS**

The applicant is a retired Air Force master sergeant (E-7).

On 17 Jan 20, according to AFPC/DP2 advisory opinion, promotion cycle 20E8 file freeze was effective.

On 17 Jan 20, according to documentation provided by the applicant, he was notified his MSM was disapproved.

On 24 Jan 20, according to documentation provided by the applicant, he submitted an Inspector General Complaint regarding disapproval of his MSM.

On 12 Feb 20, according to Special Order XXXXX, the applicant was awarded the MSM.

On 5 Mar 20, the applicant's Inspector General complaint regarding award of the MSM was dismissed, per the applicant's request for withdrawal.

On 8 Apr 20, according to AFPC/DP2 advisory opinion, the applicant was granted supplemental board review for 20E8 promotion cycle. He was non-selected for promotion.

On 30 Nov 21, the applicant was furnished an honorable discharge, in the rank of master sergeant, with Narrative Reason for Separation: Maximum Service or Time in Grade, and credited with 24 years and 12 days of active service.

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

## **APPLICABLE AUTHORITY/GUIDANCE**

In accordance with Air Force Guidance Memorandum to Air Force Instruction 36-2502, *Enlisted Airman Promotion/Demotions Programs (AFI36-2502\_AFGM2019-01)*, dated 25 Oct 19:

“This Air Force Guidance Memorandum establishes procedures to implement Senior Noncommissioned Officer Promotion boards and associated procedures, which replace current Senior Noncommissioned Officer Evaluation boards. Weighted Airman Promotion System (WAPS) testing and decoration points are eliminated as weighted factors for promotion. The provisions of this memorandum are effective immediately.”

Chapter 3 – *Regular Air Force Senior Noncommissioned Officer Evaluation/Supplemental Board Procedures:*

3.6. *Scoring Records.* Board scores are based upon the material in each eligible candidate's Noncommissioned Officer Selection Record.

3.6.1. Board members will assign each eligible member a board score reflecting their assessment of relative leadership potential. Select/Non-Select decisions are made based upon the totality of the eligible candidate's promotion board score or decision matrix for supplemental consideration.

In accordance with AFI 36-2502, dated 14 Oct 16 (Incorporating through Change 2 to 12 Dec 14 version):

3.15. *Supplemental Boards.* The following differences in procedure apply to supplemental boards:

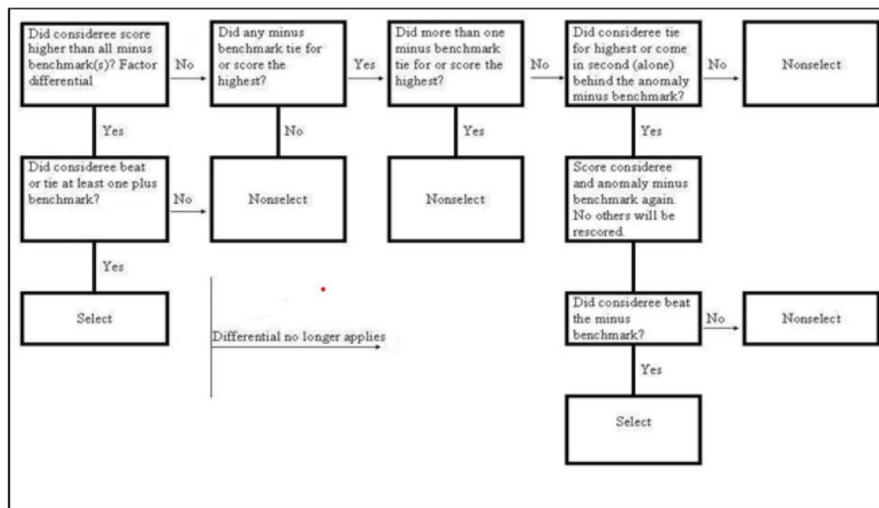
3.15.2. Determining Select/Non-Select Status. AFPC/DPSOE determines what board score an eligible would have needed in order to beat the promotion cutoff from the original board. See paragraphs 2.7 and 2.6.2.

3.15.2.1. An eligible Airman's record is compared to benchmark records. Benchmark records are: three records with the same required score as identified in paragraph 3.15.3 ("plus" benchmark) and three records a half point below ("minus" benchmark). All records are "aged" to appear as they would have on the original board, and all records are scored together.

3.15.2.2. The panel compares the supplemental record against the benchmarked records to determine selection status.

3.15.2.3. An eligible is a "Select" if he/she outscores all "minus" benchmarks and ties or outscores at least one of the "plus" benchmarks. Unlike evaluation boards, there is no quota on supplemental boards. The decision tree at Figure 3.2 will be used to determine select/non-select status.

Figure 3.2. SNCO Supplemental Decision Tree



## AIR FORCE EVALUATION

AFPC/DP2 recommends denying the application. Based on the documentation provided by the applicant and analysis of the facts, there is no evidence or an error or injustice. The applicant states the MSM, which is worth five points, is the reason he missed promotion by .5 points, and had the medal been updated, it would have allowed him to meet the cutoff score for promotion. His MSM was originally submitted in Aug 19, and the applicant was advised in Sep 19 that the award was with the commander and would be approved upon his return from temporary duty. On 17 Jan 20, the 20E8 File Freeze Date, the applicant was notified the MSM was disapproved due to his removal from the LRF Superintendent position. The applicant was removed from the

superintendent position as he was replaced by another Airman who was promoted and outranked the applicant. The commander offered to award the Air Force Commendation Medal to correct the mistake, but the applicant declined.

On 24 Jan 20, the applicant filed an IG complaint against the commander for denying the MSM. The MSM was later awarded and added to the applicant's record. The applicant was granted a supplemental board review on 8 Apr 20, for promotion cycle 20E8; however, he was non-selected for promotion.

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 7 Nov 22 for comment (Exhibit D) but has received no response.

### **ADDITIONAL AIR FORCE EVALUATION**

In an advisory amended to provide additional detail, AFPC/DP2 recommends denying the application. In addition to the previous advisory opinion, AFPC/DP2 provides beginning with the 19E9 promotion cycle, members meeting promotion boards are promoted solely based on merit; EPR [Enlisted Performance Reports] and PFE/SKT [Promotion Fitness Examination/Specialty Knowledge Test] points were removed. Additionally, while the applicant missed the promotion cutoff by .5 points, also starting with the 19E9 cycle, decorations no longer have a quantitative value. Instead of adjusting the score to make him a select, the applicant was required to meet a supplemental board in accordance with AFI 36-2502.

To determine a member's selection status, the panel compares the supplemental record against benchmarked records. An eligible member becomes a select if they outscore all "minus" benchmarks and tie or outscore at least one of the "plus" benchmarks. Unlike central promotion and evaluation board, there is no quota on supplemental boards. When the applicant met the supplemental board, he did not outscore the minus benchmarks or tie/beat at least one of the plus benchmarks, even with the MSM added to his record; therefore, he was not recommended for promotion.

The complete amended advisory opinion is at Exhibit E.

### **APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION**

The Board sent a copy of the amended advisory opinion to the applicant on 20 Dec 22 for comment (Exhibit F) 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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of the AFPC/DP2 advisory dated 14 Dec 22, and finds a preponderance of the evidence does not substantiate the applicant's contentions. In accordance with Air Force Guidance Memorandum to AFI 36-2502, *Enlisted Airman Promotion/Demotion Programs*, dated 25 Oct 19, decoration points were eliminated as weighted factors for promotion. Additionally, the applicant was provided relief for the late-

approved award via supplemental consideration; however, he was non-selected by the supplemental board. Therefore, the Board 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 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-2022-01496 in Executive Session on 16 Mar 23:

, 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 15 Jan 22.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory Opinion, AFPC/DP2, dated 17 Oct 22.  
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 7 Nov 22.  
Exhibit E: Advisory Opinion, AFPC/DP2, dated 14 Dec 22.  
Exhibit F: Notification of Advisory, SAF/MRBC to Applicant, dated 20 Dec 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.

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Board Operations Manager, AFBCMR