

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01525

XXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He be retroactively promoted from technical sergeant (E-6) to master sergeant (E-7).

APPLICANT'S CONTENTIONS

He was an E-6 for 20 years and never promoted because he would "out rank" his boss and slots were frozen. He believes he was discriminated against because he was constantly told for many years that slots were not open/available to an E-7.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force Reserve E-6.

On 12 Aug 75, according to Air University Certificate of Completion, the applicant completed the Command NCO [noncommissioned officer] Academy Correspondence Course.

On 30 Apr 76, according to Reserve Order Number X-XXX, dated 23 Apr 76, the applicant was promoted to E-6.

On 10 Jan 81, according to AF Form 2096, *Classification/On-the-Job Training Action*, dated 13 Jan 81, the applicant obtained a 7-skill level, primary Air Force Specialty Code 42771 (Aircraft Structural Maintenance Craftsman).

On 16 Oct 87, according to Reserve Order X-XXX, dated 21 Oct 87, the applicant reenlisted for eight years when he was in the 433 Field Maintenance Squadron, Position Number XXXXXXXX, with an Authorized Grade of "SGT (E-4)."

On 1 Apr 92, according to Data Analysis SURF, the applicant retired from the Air Force Reserve.

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

AIR FORCE EVALUATION

AFRC/A1K recommends denying the application. Based on the documentation provided by the applicant, a review of his entire record, and analysis of the facts, there is no evidence of an error or injustice regarding the applicant's promotion to E-7. Records reveal the applicant entered uniformed service on 29 Nov 66, completed the required Professional Military Education (PME) by correspondence on 12 Aug 75, and was promoted to E-6 effective 30 Apr 76. AF Form 2096, dated 10 Jan 81 [sic]¹, indicates the applicant obtained a 7-level skill level. He reenlisted for eight

¹ AF Form 2096 is dated 13 Jan 81. The applicant obtained his 7-skill level on 10 Jan 81.

years on 16 Oct 87, when he was in the 433 Field Maintenance Squadron, Position Number 0184940, with an Authorized Grade of “SGT”.

Specific promotion eligibility factors during the applicant’s time of service cannot be confirmed in this advisory as the regulation is not available. However, in accordance with AFI 36-2502, *Enlisted Airman Promotion and Demotion Program*, the following applies:

Paragraph 8.3: Personnel in the grade of E-5 and above must meet eligibility requirements as of the last day of the month prior to the promotion cycle. The Airman must also be the incumbent in a higher-graded position. Promotions to E-5 and above are based on vacancies.

Paragraph 8.3.3: The promotion authority makes the final determination on promotion eligibility of any member. Only AF/RE can approve requests for waivers to establish promotion eligibility. Process all waiver requests through the appropriate command channels to AF/RE.

Paragraph 8.4.6: Airmen above the grade of E-5 become ineligible for promotion if they are in an overage or over grade code for their position. The applicant provided no proof he was the incumbent in the position or that a vacancy was available.

Table 8.1: The promotion authority to the grade of E-7 is the commander of the member’s unit of assignment. Information was not provided regarding the commander’s decision at that time.

Though the applicant appears to have met time-in-grade and PME conditions, promotion is also based on existing vacancies and the promotion authority’s approval. With no proof of these factors, the requested relief should be denied.

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 2 Nov 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 not the victim of an error or injustice. The applicant claims he was denied promotion consideration to the grade of E-7 due to discrimination; however, he has provided insufficient evidence to show this to be the case. It appears the applicant met time-in-grade and PME requirements for promotion to the grade of E-7; however, there is no evidence he met the remaining criteria for promotion eligibility to E-7. Therefore, the Board concurs with the rationale and recommendation of AFRC/A1K and finds a preponderance of the evidence does not substantiate the applicant’s contentions. Accordingly, 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-2022-01525 in Executive Session on 2 Feb 23:

, Chair, AFBCMR
, 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 14 Mar 22.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, AFRC/A1K, w/atchs, dated 31 Oct 22.
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 2 Nov 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.

X

Board Operations Manager, AFBCMR