

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01571

XXXXXXXXXX

COUNSEL: xxxxxx

HEARING REQUESTED: YES

APPLICANT'S REQUEST

He be provided special selection board (SSB) consideration for promotion to lieutenant colonel (O-5) for Calendar Year 2020 (CY20) Air National Guard of the United States (ANGUS) Line and Nonline Lieutenant Colonel Promotion Selection Board, and if not selected, he be considered by the CY21 ANGUS Line and Nonline Lieutenant Colonel Promotion Selection Board.

APPLICANT'S CONTENTIONS

He was not selected by the CY21 ANGUS Line and Nonline Lieutenant Colonel Selection Board which convened on 19 Apr 21, as he was improperly considered due to material errors. In a Dec 21 meeting with his senior rater, he was informed his promotion recommendation form (PRF) for the CY20 and CY21 promotion selection boards were based on an erroneous unit policy that officers who did not complete their military developmental education would not receive a definitely promote recommendation. The commander changed the policy and instructed his staff not to forward PRFs based upon this legacy policy; however, due to a staffing oversight his PRFs were forwarded to the applicable selection boards.

His senior rater was unaware he completed Air Command and Staff College prior to his PRF being completed as it was not reflected in his record. His record also failed to reflect he had completed an Army school that prepared officers for Group, Wing, and Numbered Air Force level staff. In addition, his officer selection record (OSR) was incomplete as it did not contain: his Army officer evaluation reports; his Army officer training schools; and his Meritorious Service Medal with one Oak Leaf Cluster.

Immediately after receiving his PRF, he attempted to contact his senior rater and schedule a time to discuss the errors. However, due to COVID-19 restrictions, he was unable to do so prior to the PRF submission deadline. In the absence of COVID-19, he could have taken actions to meet with his senior rater to understand why the overall recommendation of "Promote" was provided and address it in a letter to the board president. Additionally, despite his exercise of due diligence, not having the ability to present his full record to the selection board created an injustice that may be corrected by an SSB.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air National Guard major (O-4).

In Mar 21, according to the applicant's Report on Individual Personnel summary, he completed IDE -Air Command and Staff College.

According to AF Form 707, *Promotion Recommendation*, provided by the applicant, his commander recommended a “Do Not Promote this Board” for the CY20 ANGUS Line and Nonline Lieutenant Colonel Promotion Selection Board with board ID A0520A.

According to AF Form 707, provided by the applicant, his commander recommended a “Promote” for the CY 21 ANGUS Line and Nonline Lieutenant Colonel Promotion Selection Board with board ID A0521A.

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

AIR FORCE EVALUATION

ARPC/PB recommends granting the applicant’s request for SSB consideration. Air Force Instruction (AFI) 36- 2504, *Officer Promotion, Continuation, and Selective Early Removal in the Reserve of the Air Force*, paragraph 1.7 requires officers to monitor their own eligibility for promotion and to ensure their OSR is correct and up-to-date before the selection board convenes. Paragraph 1.7.3 states that if an officer discovers an error on the PRF, the officer may also send a letter to the president of the selection board calling attention to the matter. Furthermore, ARPCM 20-28, *CY21 Air National Guard of the United States (ANGUS) Line and Nonline Major and Lieutenant Colonel Promotion Selection Boards Convening Notice*, states that an officer is responsible for reviewing and correcting the contents of their OSR for accuracy prior to the board date. ARPCM 20-28, Attachment 3 further states officers will not be considered for an SSB if, in exercising reasonable diligence, the officer should have discovered an error or omission in their record and could have taken timely corrective action. ARPC 20-28, Attachment 4 provides the contact information for the office responsible for assisting officers with corrections.

The applicant was eligible and not selected by the CY21 ANGUS Line and Nonline Major and Lieutenant Colonel Selection Board, which convened on 19 Apr 21. The applicant has demonstrated his due diligence, in accordance with AFI 36-2504, to correct his promotion record prior to the board convening. Specifically, he has taken the corrective action to ensure his Army Evaluation Reports, and his Meritorious Service Medal with one Oak Leaf Cluster have been added to his Master Personnel Record and his OSR.

Additionally, ARPC/PB recommends the applicant contact his senior rater who can provide a corrected PRF to indicate a “Definitely Promote” if they so choose. However, if the senior rater chooses to retain the “Promote” recommendation, the applicant will be afforded the opportunity to write a letter to the selection board president addressing his concerns. While his Army Schools (Infantry Officer Basic Course, Advanced Infantry Officer Course, Combined Arms Service Support School) have been added to his Master Personnel Record, they are not part of the OSR used by promotion boards, However, the applicant can include this information in his letter to the selection board president.

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 31 Aug 22 for comment (Exhibit D), and the applicant replied on 11 Sep 22 (Exhibit E). In his response, the applicant requests his original request for SSB consideration for the CY21 ANGUS lieutenant colonel selection board (A0521A) and his current request for SSB consideration for the CY20 ANGUS lieutenant colonel selection board (A0420A) be combined. He reiterates his previous contentions that he exercised due diligence when he attempted to correct his records prior to the

convening of the promotion selection board. However, he was hampered by COVID-19 restrictions.

The applicant's complete response is at Exhibit E.

ADDITIONAL AIR FORCE EVALUATION

In response to the applicant's rebuttal, the Board requested an additional advisory to address the applicant's request for SSB consideration for promotion to lieutenant colonel for the CY20 ANGUS Line and Nonline Lieutenant Colonel Promotion Selection Board.

ARPC/PB recommends granting the applicant's request for SSB consideration. The applicant has demonstrated his due diligence to correct his promotion record prior to the boards convening as required by AFI-36-2504 as such, ARPC/PB makes the following recommendations:

a. Approval of the applicant's request to grant an SSB in lieu of the CY 20 ANGUS Line and Nonline Lieutenant Colonel Promotion Selection board, and if not selected, then consideration for an SSB for the CY21 ANGUS Line and Nonline Lieutenant Colonel Promotion Selection board.

b. The applicant should contact his senior rater who can provide corrected PRFs to indicate a "Definitely Promote" recommendation. If the senior rater chooses to retain the original promotion recommendations, for either the CY20 or CY21 ANGUS Line and Nonline Lieutenant Colonel Promotion Selection Boards, the applicant be afforded the opportunity to write a letter to board addressing his concerns.

c. Although the Infantry Officer Basic/Advanced Courses and the Combined Arms Service Support School are not part of the OSR, he can include that information in his letter to the board.

The complete advisory opinion is at Exhibit F.

APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION.

The Board sent a copy of the additional advisory opinion to the applicant on 26 Oct 22 for comment (Exhibit G), 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. The Board finds the applicant demonstrated the necessary due diligence to ensure his promotion record was correct prior to the boards convening. Specifically, he has taken the corrective action necessary to ensure his Army Evaluation Reports, and his Meritorious Service Medal with one Oak Leaf Cluster have been added to his military human resource record and his OSR. Notwithstanding, the applicant should be aware that he must contact his senior rater who can provide corrected PRFs to indicate a "Definitely Promote" recommendation. If the senior rater chooses to retain the original promotion recommendations, for either the CY20 or CY21 ANGUS Line and Nonline Lieutenant Colonel Promotion Selection Boards, the applicant may write a letter to each

board addressing his concerns. Furthermore, although the Infantry Officer Basic/Advanced Courses and the Combined Arms Service Support School are not part of the OSR, the applicant can include this information in his letter to the board. In view of the forgoing, the Board recommends correcting the applicant's records as indicated below.

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 he be provided SSB consideration for promotion to Lieutenant Colonel for the CY 20 (ANGUS Line and Nonline Lieutenant Colonel Promotion Selection Board, and, if not selected, he be considered for the CY21 ANGUS Line and Nonline Lieutenant Colonel 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-2022-01571 in Executive Session on 29 Sep 22 and 3 Nov 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 6 Jun 22.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory opinion, ARPC/PB, w/atchs, dated 19 Aug 22.
Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 31 Aug 22.
Exhibit E: Applicant's Response, w/atchs, dated 11 Sep 22
Exhibit F: Additional Advisory Opinion, dated 24 Oct 22
Exhibit G: Notification of Additional Advisory, dated 26 Oct 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.

X

Board Operations Manager, AFBCMR