

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

Work-Product

RECORD OF PROCEEDINGS**IN THE MATTER OF:****DOCKET NUMBER:** BC-2022-02334

Work-Product

COUNSEL: Work-Product**HEARING REQUESTED:** NO

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APPLICANT'S REQUEST

He receives a Special Selection Board (SSB) for promotion consideration for the CY21D Major Line of the Air Force Air Operations and Special Warfare (LAF-A) (P0421D) Central Selection Board (CSB).

APPLICANT'S CONTENTIONS

He submitted a request to the Evaluation Reports Appeals Board (ERAB) for a change to his record and, contingent upon approval of his request, he be considered for an SSB. The ERAB approved his request for the change to his record; however, he was subsequently informed his corrected record would not be submitted for SSB consideration as "the correction does not constitute a material error that would warrant an SSB." He argues the correction was material enough to warrant a change to the record; therefore, it has material merit to warrant consideration by an SSB.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force captain (O-3).

On 25 Aug 22, according to a HQ AFPC/DP2SP memorandum provided by the applicant, he was notified his request for an SSB for the CY21D Major LAF-A (P0421D) Central Selection Board was denied. The memorandum stated the ERAB approved his request to "administratively correct your name within the comments section of the 12 Aug 15, AF Form 475, *Education/Training Report*, within your Officer Selection Record, (OSR). However, your name was annotated correctly six of the seven instances on the AF Form 475 that met the original board; therefore, this administrative correction does not constitute a material error IAW DAFI 36-2501," *Officer Promotion and Selective Continuation*.

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

APPLICABLE AUTHORITY/GUIDANCE

Air Force Instruction (AFI) 36-2501, Chapter 6, *Special Selection Boards (SSB)*, paragraph 6.3, *Conditions That May Warrant an SSB*, Grant SSBs for promotion to the grade of captain through colonel based on: Legal, Administrative, and Material Errors. Acting on behalf of the SECAF, HQ AFPC/DPPP and HQ AFPC/DPPPO can direct an SSB for an officer if it is determined: The action of the board that considered the officer was contrary to law or involved material error of

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CUI//SP-MIL/SP-PRVCY**

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fact or material administrative error or; the board did not consider material information that should have been available in compliance with pertinent Air Force directives and policies; An eligible officer did not meet a board or met the board in an incorrect promotion zone or competitive category.

Paragraph 6.3.2. Pursuant to Formal Appeal. The AFBCMR can grant SSBs when they determine an officer's nonselection for promotion resulted because of an error or injustice in the officer's record.

Paragraph 6.3.3. Exercising Reasonable Diligence. Do not have an SSB if, by exercising reasonable diligence, the officer should have discovered the error or omission and could have taken corrective action before the originally scheduled board convened.

Department of the Air Force Instruction (DAFI) 36-2406, *Officer and Enlisted Evaluation Systems*, Chapter 10, *Correcting Officer and Enlisted Evaluations*, paragraph 10.1, Purpose. The ERAB was established to provide Airmen with an avenue of relief for correcting errors or injustice in evaluations at the lowest level.

Paragraph 10.7.1. REGAF officers can, in conjunction with their appeal, request SSB consideration for promotion, REGAF appointment, In-resident Professional Military Education, Selective Early Retirement, or Reduction-in-Force separation boards

AIR FORCE EVALUATION

AFPC/DP2SP recommends denying the applicant's request for SSB consideration. He was a non-select to the grade of major for the CY21D LAF-A (P0421D) CSB. He submitted a request to the ERAB for a correction to his name within the comments section on an AF Form 475, dated 12 Aug 15, which was approved and was administratively corrected, along with a request for SSB consideration. A review of his official military record reflects his name was annotated correctly six of the seven instances it appeared on the AF Form 475 which had met the promotion board. Therefore, this administrative correction does not constitute a material error and in accordance with DAFI 36-2501 paragraph 6.3, does not warrant an SSB.

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 26 Jan 23 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 Board concurs with the rationale and recommendation of AFPC/DP2SP and finds a preponderance of the evidence does not substantiate the applicant's contentions. Therefore, the Board recommends against correcting the applicant's records.

RECOMMENDATION

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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 the 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-2022-02334 in Executive Session on 22 Feb 23:

Work-Product [redacted] Panel Chair
Work-Product [redacted], Panel Member
Work-Product [redacted], Panel Member

All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 30 Aug 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2SP, dated 24 Jan 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 26 Jan 23.

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.

7/25/2023

X *Work-Product* [redacted]

Work-Product [redacted]
Board Operations Manager, AFBCMR
Signed by: USAF