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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02798

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

The AFBCMR conduct an independent review of her inspector general (IG) complaint and reverse SAF/IGQ's finding that she was not the victim of reprisal pursuant to DODD 7050.06, *Military Whistleblower Protection*, and 10 U.S.C. § 1034.

APPLICANT'S CONTENTIONS

On 22 Jun 22, she filed an IG complaint [redacted] due to reprisal from [redacted] and [redacted]. She encountered an unprofessional environment and culture upon arriving at her first duty station. She experienced retaliation, hostility and discrimination in the workplace. The first incident started on 16 May 22 with her noncommissioned officer in charge (NCOIC) who avoided interactions with her and ignored her when she tried to speak with him. Then on 19 May 22, one of the chaplains counseled her in private that the wing and deputy wing chaplains asked if she had spoken with anyone at the 2022 Diversity and Inclusion Conference for the Chaplain Corps. Her NCOIC received feedback she provided to a senior noncommissioned officer (SNCO) who attended the conference.

On 31 May 22, the NCOIC and her supervisor gave her an option to receive retraining or receive a letter of counseling (LOC) for performing duties related to chapel offering funds. She chose retraining rather than the LOC. However, on 3 Jun 22, she was given an LOC but was told it was not a disciplinary action but official documentation to cover what she had done in case there was an inspection. The LOC was due to her voicing the truth at the 2022 Diversity and Inclusion Conference. She was told her supervisor misrepresented her and stated she was out of control. He was unfairly biased toward her.

After receiving the LOC, she was mentally distraught. On 13 Jun 22, she sought mental health assistance. She was a single Black female airman who joined the Air Force at an older age. She refused to comply with the team standards of profanity, unfairness, racial insensitive mockeries and unprofessionalism.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an airman first class (E-3) in the Air Force.

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SAF/IGQ provides the applicant's IG case [redacted] **Work-Product**. On 22 Jun 22, the applicant in an AF Form 102, *Inspector General Complaint Form*, alleged she experienced unprofessionalism by way of workplace violence (threats), racially insensitive mockeries, ostracism and discrimination. She provided a chronology of the offending events. After attending the Diversity and Inclusion Conference from 9 to 13 May 22, her NCOIC was dismissive of her. She was not surprised she was the only airman to receive an LOC. The applicant's IG case includes an LOC dated 2 Jun 22. On 31 May 22, it was identified the applicant's purchase request on 30 Apr 22 was altered after it was signed by approving officials. The total cost, gratuity and grand total amounts had been changed. The applicant was counseled that forgery was unacceptable. Upon an investigation, on 16 Aug 22, the investigating officer (IO) concluded there was no evidence of disparate treatment. It was also noted her supervisor sought assistance from the EO office prior to issuing the LOC because he was fearful of giving the appearance of discrimination because the complainant was an African American and he is a white male. The EO agreed the LOC was appropriate. Additionally, he reached out to judge advocate (JA) office for legal advice and JA concurred that her actions met the criteria for forgery. Her supervisor also sought assistance from the first sergeant and the first sergeant agreed the LOC was an appropriate action. On 26 Aug 22, SAF/IGQ forwarded a memorandum to the DOD Whistleblower Reprisal Investigations. It stated an IO conducted an analysis of the evidence and determined that the allegation of reprisal should be dismissed due to no possible inference of causation. Further, the SAF/IGQ acid test for abuse of authority also determined the NCOIC had little influence over the issuing of the LOC and the evidence showed her supervisor's actions were for valid reasons and reasonable in nature. Therefore, abuse of authority did not occur and the issue was dismissed.

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

APPLICABLE AUTHORITY/GUIDANCE

Per 10 U.S.C. § 1034 and AFI 90-301, *Inspector General Complaints Resolution*, reprisal against military members for making protected disclosures is prohibited.

DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph.2.4., Deciding Cases. The Board normally decides cases on the written evidence contained in the record. It is not an investigative body; therefore, the applicant bears the burden of providing evidence of an error or injustice.

AIR FORCE EVALUATION

SAF/IGQ recommends the AFBCMR review as appropriate. SAF/IGQ stands firm the complaint was conducted in accordance with AFI 90-301, whereas the allegation of reprisal was recommended for dismissal as the evidence did not support that reprisal took place. The case was submitted for required oversight review and approved by DOD IG on the reprisal allegation where they alone are the authority to approve the final resolution. DOD IG agreed with and approved the dismissal of the reprisal allegation. The reprisal complaint was fully processed in accordance with AFI 90-301 and DODD 7050.06 culminating with a final DOD IG review and approval of the finding.

The complete advisory opinion is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 23 Apr 23 for comment (Exhibit E) 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 requests the Board conduct a review of her IG complaint and find she was the victim of reprisal per 10 U.S.C. § 1034. While the Board is not an investigative body, it conducted an independent review of the applicant's reprisal complaint [Work-Product] and concurs with the SAF/IGQ and the DOD IG findings and conclusions the applicant was not the victim of reprisal or abuse of authority. The evidence clearly substantiates the applicant's LOC for forgery was proper and well within the discretion and authority of her chain of command. While the applicant desires the Board to believe she was the victim of workplace violence, bias, discrimination and a hostile work environment; other than her own uncorroborated assertions she has provided no evidence to substantiate any of her allegations. Accordingly, the Board concurs with the IO there was no evidence of any disparate treatment. Moreover, in anticipation of the applicant's claims of bias and discrimination, it appears her supervisor judiciously consulted with the EO office, the first sergeant and the legal office prior to issuing the applicant an LOC and they concurred the LOC was appropriate for the applicant's misconduct of forgery. 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-2022-02798 in Executive Session on 12 Jun 23:

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

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 6 Oct 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.

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Exhibit C: DAF IGQ (Work-Product), WITHDRAWN

Exhibit D: Advisory Opinion, SAF/IGQ, dated 26 Apr 23.

Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 28 Apr 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.

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