



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

### RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2023-00173

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**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

Selection for promotion to the grade of colonel (O-6) by the Line of the Air Force (LAF) Judge Advocate General (JAG) Board P0620A and subsequent promotion to said grade.

### APPLICANT'S CONTENTIONS

He was non-selected for promotion to the grade of colonel by the PO620A Board. The non-selection amounted to an error and injustice because at least five individuals with demonstrably weaker records were selected for promotion. His PRF stratifications were substantially superior to all five of the individuals selected for promotion whose records scored just above the cut line. This is sufficient reason why he should be granted relief.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a currently serving Air Force lieutenant colonel (O-5).

The applicant was non-selected to the grade of Colonel by the CY20A P0620A Colonel – LAF-J CSB.

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

### AIR FORCE EVALUATION

AFPC/DPMSP recommends denying the application. In accordance with DAFI 36-2501, paragraph 6.3., the applicant is not eligible for SSB consideration, as within the CY20A P0620A LAF-J CSB, his record was considered within its entirety, no material or administrative errors occurred within the applicant's personnel files, and he did not meet an incorrect promotion zone or competitive category.

As advised within DAFI 36-2501, an officer's promotion to the next grade is not a reward for past service; it is an advancement into a higher grade based on past performances and future potential. The fundamental purpose of the officer promotion program is to select officers through a fair and competitive selection process that advances the best qualified officers to positions of increased responsibility and authority as well as provides the necessary career incentive to attract and maintain a quality force officer. The Air Force maintains a highly competitive promotion

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environment; this competitive environment has resulted in many talented and highly qualified officers' non-selection 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 14 February 2023 for comment (Exhibit D), and the applicant replied on 10 March 2023. In his response, the applicant contended the advisory states that he requested SSB, when in fact, he did not request SSB. He is requesting his record reflect that Board PO620A selected him for promotion to colonel. He was expecting the advisory to confirm the PRF stratifications of the five individual's board (PO620A) selected for promotion, whose stratifications were mathematically and objectively far inferior to his. If AFPC does not confirm that information, he will be forced to file in Federal district court (alleging arbitrary and capricious agency action) to obtain the stratifications via the litigation discovery process. He does agree with the advisory's statement that being promoted is not a reward for past service, and that many qualified candidates are not promoted. He also agrees that promotion boards have broad discretion to select the best qualified candidates. But promotion boards cannot intentionally select lesser qualified candidates. They cannot act in a manner that is arbitrary and capricious, which is what happened here when they disregarded the record by promoting five people with indisputably and significantly inferior PRF stratifications. He asks the Board to review the statement attached to his DD Form 149, from his senior rater (Retired Brigadier General), dated 20 April 2022, that explains the circumstances surrounding her intent to provide him a DP and what transpired at the MLR.

The applicant's complete response is at Exhibit E.

### **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/DPMSPP and finds a preponderance of the evidence does not substantiate the applicant's contentions. The applicant is not eligible for SSB consideration. The applicant's record was considered and denied for promotion to the grade of colonel by the CY20A P0620A LAF-J CSB. No material or administrative errors occurred within the applicant's personnel files. Therefore, 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.

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## 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-2023-00173 in Executive Session on 28 March 2023:

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Panel Chair  
Member  
Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 30 December 2022.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSP, dated 8 February 2023.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 14 February 2023.
- Exhibit E: Applicant's Response, dated 10 March 2023.

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.

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