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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00265

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT’S REQUEST

Her letter of admonishment (LOA) dated 15 Jul 21 be removed from her records.

APPLICANT’S CONTENTIONS

She provided sufficient proof she received her COVID-19 vaccine prior to the allegations. Her vaccination is also reflected on her immunizations record.

In support of her request, the applicant provides a letter from the COVID-19 Task Force Officer In Charge (OIC) dated 9 Jul 21, stating the second dose appointments were originally annotated on the front of the Center for Disease Control (CDC) vaccine card with date and time. The process was eventually changed to note the second dose appointment on the back of the card. The front of the card was now only used for the product name, lot number, date and clinic site.

The applicant’s complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air Force first lieutenant (O-2).

On 15 Jul 21, the applicant received an LOA for falsifying her COVID-19 vaccine card. An investigation disclosed the applicant on 29 Jun 21 communicated she received her second COVID-19 dose on 4 Feb 21. However, after reviewing all medical records, the lot number on her vaccine card was not used until 24 Feb 21. Attached to the LOA is a copy of the applicant’s COVID-19 vaccine card, which shows the date of the second dose as “02/04/21.”

The applicant’s DD Form 2766, *Vaccine Administration Record*, reflects she received COVID-19 vaccines on 5 Jan 21, 11 Mar 21 and 27 Aug 21.

The applicant received a referral officer performance report (OPR) for the period ending 30 Sep 21. The reason for the referral OPR was she received a LOA for falsifying her COVID-19 vaccine card.

In a letter dated 20 Sep 22, the applicant’s wing commander (WG/CC) informed her Congressman the applicant was issued administrative action on 15 Jul 21 based on evidence she falsified her COVID-19 vaccine card. Based on the level of scrutiny, there was no evidence the administrative action was not appropriate.

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In a letter dated 3 Mar 23, the applicant's WG/CC informed her Congressman there was no evidence to support the applicant's claims the immunization clinic was not documenting COVID-19 vaccine cards accurately. There was no information supporting that the actions taken were not appropriate.

On 30 Mar 23, the AFBCMR staff administratively closed the applicant's case per her 30 Mar 23, request for additional time to respond to the advisory opinion. On 6 Nov 23, the AFBCMR received the applicant's undated rebuttal response and her case was re-opened on 7 Nov 23.

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

APPLICABLE AUTHORITY/GUIDANCE

Per 10 U.S.C. § 615(a)(3), DoDI 1320.14, *DoD Commissioned Officer Promotion Program Procedures*, Department of the Air Force Policy Memorandum (DAFPM) 2021-36-03, *Adverse Information for Total Force Officer Selection Boards*, dated 14 Jan 21. DAFI 36-2907, *Adverse Administrative Actions* and DAFI 36-2501, *Officer Promotions and Selective Continuation*, paragraph A14.2.1. All adverse information an officer receives will be filed in the OSR and be considered by promotion selection, special selection, and selective continuation boards to the grade of O-4 and above (to include processes for O-3 promotions that have "extraordinary adverse information"). Adverse information is any substantiated finding or conclusion from an officially documented investigation or inquiry or any other credible information of an adverse nature. To be adverse, the information must be derogatory, unfavorable or of a nature that reflects unacceptable conduct, integrity or judgement on the part of the individual. Adverse information includes but is not limited to any substantiated finding or conclusion from an investigation or inquiry, regardless of whether command action was taken, court-martial findings of guilt, nonjudicial punishment (NJP) pursuant to Article 15, LOR, LOA, relief of command for cause, removal from developmental education for cause, and letter of counseling. All adverse information as defined will be permanently placed in the record. Except for set aside of a court-martial or NJP action, removal of adverse information from the records may only be directed by an AFBCMR recommendation.

AIR FORCE EVALUATION

AFPC/DPMSSM recommends denial. The applicant's commander issued an LOA based on the preponderance of evidence in accordance with AFI 36-2907. In accordance with the National Defense Authorization Act (NDAA), 10 U.S.C. § 615(a)(3), the applicant's LOA meets the requirements of adverse information.

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 7 Mar 23 for comment (Exhibit D). The applicant contends she received her first two vaccinations before the COVID-19 mandate of Aug 21.

She believes her records will be corrected to reflect her honesty and the LOA and referral OPR will be removed from her records. It is unfortunate this experience set her back and caused her to miss out on receiving medals and decorations.

She provides a chronology of events which show on 1 Jul 21 she received an email regarding the missing documentation for her second COVID-19 vaccination. On 5 Jul 21, she informed her previous unit of her permanent change of assignment (PCA). On 15 Jul 21, she was served with the LOA. She provided a rebuttal response and documentation showing the actual vaccine dates. The vaccination became mandatory in Aug 21. She was denied a decoration and was advised on 22 Aug 22, after signing into her new base, she was denied promotion to the grade of captain (O-3).

The applicant’s complete response is at Exhibit G.

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. While the Board notes the recommendation of AFPC/DPMSM against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant’s contentions. Specifically, the Board finds the 9 Jul 21 memorandum from the COVID-19 Task Force OIC compelling to grant relief. This memorandum noted the process change in annotating second dose appointments, which more likely than not contributed to confusion and gave the appearance the applicant’s vaccine card may have been falsified. Further, the Board notes the applicant already had her shots by the required date, and therefore, had no reason to falsify her COVID-19 vaccine card. Therefore, the Board recommends correcting the applicant’s records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show her LOA dated 15 Jul 21 be removed from her records.

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-2023-00265 in Executive Session on 14 May 24:

- Work-Product Panel Chair
- Work-Product Panel Member
- Work-Product Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 13 Oct 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSM, dated 9 Feb 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 7 Mar 23.
- Exhibit E: Applicant’s request, dated 30 Mar 23.
- Exhibit F: Notification of administrative closure, dated 30 Mar 23.
- Exhibit G: Applicant’s Response, w/atchs, undated.

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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.

7/3/2024

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Board Operations Manager, AFBCMR

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