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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00394

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT’S REQUEST

His Letter of Counseling (LOC) be removed from his record.

APPLICANT’S CONTENTIONS

Based on verbal and written feedback from his former commander and the LOC issuing authority, the intent of the LOC was to correct his error in judgement as outlined in the Command Directed Investigation (CDI). The intent was not to punish him or otherwise limit his capacity for future opportunities. Per the updated AFI 36-2907, *Adverse Administrative Actions*, LOCs are now to be included in an officer’s permanent record. This intent to provide corrective action and not punishment has negatively impacted him. His commander advocated for selection to squadron commander and in-residence senior developmental education as noted in his Officer Performance Report (OPR). However, the LOC influenced the developmental team to not select him for squadron commander as he was told the job would have been his if not for the LOC and CDI. The LOC should be removed in order to prevent further negative impacts to his career in the future.

His career performance shows excellence in leadership and judgement at all levels, while leading his team garnered seven team awards and more than 60 individual awards to include Unit Effectiveness Inspection Team honors and his recognition as a two-time Field Grade Officer of the Year. He submitted character reference letters of colleagues he has worked with to include a letter from his current commander to support the removal of the LOC.

The applicant’s complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 21 Apr 22, the applicant submitted a response to the CDI report addressing the five allegations against him offering further context to each situation. He further stated, when made aware of the concerns, he acted immediately to address them, reenforcing a culture of teamwork, dignity,

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respect, and trust, and where valid, owned and apologized for his role in appearing to act counter to that culture and took commensurate steps to repair trust.

On 9 May 22, the applicant was issued an LOC for failing to maintain professionalism as disclosed in the CDI. The investigation showed toxicity within his office by making disparaging comments, telling an inappropriate joke, and using a disparaging meme. The applicant did not provide a response to the LOC.

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

APPLICABLE AUTHORITY/GUIDANCE

Per DAFI 36-2907, paragraph 1.2.2, LOCs unrelated to a substantiated finding or conclusion from an officially documented investigation or inquiry will not be considered adverse information. This preserves commanders' ability to administratively document and rehabilitate minor instances of substandard behavior or misconduct without making it a part of the permanent record (also referred to as "standalone" LOCs). Per paragraph 1.2.3, all adverse information as defined by this instruction will be permanently placed in the Master Personnel Record Group (MPerRGp). Except for the set aside of a court-martial or nonjudicial punishment, removal of adverse information from the MPerRGp may only be directed pursuant to an Air Force Board for Correction of Military Records (AFBCMR) recommendation.

Per paragraph 1.2.9, officers are responsible for ensuring the accuracy of their records prior to meeting any promotion board. Officers who have adverse information as part of their history should check the Personnel Records Display Application to ensure that a full record of the adverse information is in their record, to include the full response, if applicable. Per paragraph 1.2.10, officers will not receive an additional opportunity to respond to the adverse information or provide information to the board, with the exception of the right to communicate with the promotion board directly via letter. Officers may elect to write a letter to the board in accordance with DAFI 36-2501, *Officer Promotions and Selective Continuation*; AFI 36-2504, *Officer Promotion; Continuation and Selective Early Removal in the Reserve of the Air Force*; or ANGI 36-2505, *Federal Recognition Examining Boards for Appointment or Promotion in the ANG Below General Officer*, to address adverse information included in the Officer Selection Record (OSR).

AIR FORCE EVALUATION

AFPC/DPMSSM recommends denying the application finding insufficient evidence of an error or injustice. The applicant was issued an LOC because of a substantiated CDI finding. Removal of adverse action is dependent upon the status of the CDI. As long as the CDI or portions of the CDI remain substantiated, adverse actions should remain a part of the applicant's record. Additionally, the evidence provided indicates the issuing authority was within appropriate authority to administer action and did so in accordance with DAFI 36-2907, chapters 1, 2, and 3. Except for the set aside of a court-martial or nonjudicial punishment, removal of adverse information from

the MPerRGp may only be directed pursuant to an AFBCMR recommendation. The Special Programs section reviewed the applicant’s MPerRGp and OSR and documentation of the adverse administrative action has been filed accordingly.

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 12 Mar 25 for comment (Exhibit D) but has received no response.

FINDINGS AND CONCLUSION

- 1. The application was timely filed.
- 2. The applicant exhausted all other available administrative remedies 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/DPMSSM and finds a preponderance of the evidence does not substantiate the applicant’s contentions. The Board notes the recommendation of the applicant’s current commander but finds no evidence to indicate the underlying behavior which led to the LOC did not occur. Furthermore, the Board finds the LOC was not overly harsh and was within the former commander’s authority. Lastly, the LOC was issued after the law requiring adverse actions be permanently placed in the MPerRGp; therefore, his commander issued the LOC knowing that to be the case. The applicant’s circumstances are not unique compared to other similarly situated officers. 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.

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-2023-00394 in Executive Session on 20 Nov 25:

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

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

Exhibit A: Application, DD Form 149, w/atchs, dated 26 Jan 23.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, AFPC/DPMSSM, dated 11 Mar 25.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 12 Mar 25.

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.

12/10/2025

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Board Operations Manager, AFBCMR
Signed by: USAF

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