



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00590

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: YES

APPLICANT'S REQUEST

1. His Promotion Recommendation Form (PRF) be removed and reaccomplished.
2. He be considered for promotion by a special selection board (SSB) for the CY22 ANGUS Line and Nonline Lieutenant Colonel Promotion Selection Board (Work-Product).

APPLICANT'S CONTENTIONS

The Do Not Promote (DNP) promotion recommendation that he received was not supported by regulation and was otherwise improper. The errors committed by his Senior Rater (SR), Wing, and Force Support Squadron resulted in him receiving his: PRF guidance two months late; his Officer Performance Brief (OPB) three months late; and finally, his PRF two months late and after the Central Selection Board (CSB) had adjourned. These errors eliminated his opportunity to address the DNP recommendation via a letter to the board president which negatively impacted the board results.

Two months prior to the CSB convening, the SR informed all board eligible officers of his guidance that Intermediate Developmental Education (IDE) completion was a prerequisite for a "Definitely Promote" (DP) or "Promote" (P), and that failure to have IDE completed prior to the PRF accounting date would result in a promotion recommendation of DNP. In accordance with Air Force Instruction (AFI) 36-2406, paragraph 8.2.3.1.2, the SR may obtain information on an officer's most recent duty performance and performance-based potential from subordinate or previous supervisors and may consider their suggestion for PRF recommendations. His group commander, squadron commander, and squadron director of operations all provided the SR with a Promote recommendation based on his performance. During an office call with the SR, in which he sought a reprieve from the SR's IDE guidance, due to its issuance two months prior to the board meeting, he highlighted to the SR his past exemplary performance both on Active Duty and in the Guard and that he believed his performance sufficiently met and exceeded all standards to be promoted to the next higher grade. His SR acknowledged his position, job performance, initiative, and advised him that it would be "taken into consideration." Regardless, he received a DNP recommendation solely on the fact that he did not have IDE compete. In 16 years of Officer Performance Reports (OPRs), his "performance and performance-based potential" was never called into question. It was only on this PRF that his performance was challenged simply because his SR needed to justify a DNP.

Additionally, his SR failed to adhere to *Secretary of the Air Force Regular Air Force Field Grade Generic Memorandum of Instructions*, as of 17 Aug 22, as the SR failed to apply the whole-person

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Controlled by: SAF/MRB

CUI Categories: Work-Product

Limited Dissemination Control: N/A

POC: SAF.MRBC.Workflow@us.af.mil

concept when assessing his record. Of all the factors listed for consideration; “job performance, professional qualities, leadership, depth and breadth of experience, job responsibility, advanced academic and developmental education, and specific achievements,” the only factor considered was his lack of IDE.

He was unjustly considered for promotion based on IDE completion and the whole of his record was ignored. The SR made disparaging comments against the applicant’s performance and character, which were without merit, dishonest and baseless, in order to justify his actions.

The applicant’s complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air National Guard major (O-4).

According to ARPCM 21-31, *CY22 Air National Guard of the United States (ANGUS) Line and Nonline Major and Lieutenant Colonel Promotion Selection Boards Convening Notice*, dated 4 Nov 21, the Promotion Selection Boards were scheduled to convene at Headquarters, Air Reserve Personnel Center on 4 Apr 22. Paragraph 10, *Developmental Education (DE)*, stated how DE would be reflected on the OPB and Paragraph 13, *Letters to the Board*, provided specific guidance on how eligible officers may correspond with the board president. Additionally, the following chronological listing of milestones were provided in Attachment 1, *Milestones and Notable Dates*:

- 5 Mar 22 – Senior Rater provides copy of PRF to the officer.
- 25 Mar 22 – Letters to the board due no later than 2359 hrs CST.

According to documentation provided by the applicant:

On 24 Feb 22, according to his AF Form 709, *Promotion Recommendation*, signed by the Senior Rater, 24 Feb 22, Section IX, *Overall Recommendation*, reflects Do Not Promote.

On 25 Apr 22, according to the email from the Wing Executive Officer (WG/CCE), the applicant was emailed his PRF.

On 19 Oct 22, according to the email between the Operations Group Commander (OG/CC) and the applicant, the OG/CC stated “You were not eligible for a Definite Promote or Promote because you did not have PME complete. I did not change what the SQ wrote and sent to <senior rater> with my recommendation to promote you.”

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

APPLICABLE AUTHORITY/GUIDANCE

Department of the Air Force Instruction (DAFI) 36-2406, *Officer and Enlisted Evaluations Systems*, 14 Nov 19 (Incorporating Chg 2, 16 Mar 22, Certified Current, 16 Mar 22):

3.16.4.6.1. Comments on OPRs or PRFs regarding completion of, or enrollment in, Developmental Education (DE) and Advanced Academic Degrees (AAD) are prohibited.

8.2.1. Reserve of the Air Force. Use AF Form 709 for promotion to captain through colonel.

8.2.1.1. Mandatory Boards. An eligible officer's senior rater submits the completed PRF no later than 45 calendar days prior to the central selection board. The senior rater awards one of three recommendations from the drop-down menu in block IX of AF Form 709:

8.2.1.1.3. A *Do Not Promote This Board*: The strength of the ratee's performance and performance-based potential does not warrant promotion by the central selection board for which the officer is eligible. A senior rater must make comments explaining to the central selection board why the officer should not be promoted.

8.2.3.1. The Senior Rater:

8.2.3.1.1. Reviews the ratees' OPRs, decoration citations, Duty Qualification History Brief, Personal Information File, and Unfavorable Information File (if applicable) before preparing the PRF. They may also consider other reliable information about duty performance and conduct except as outlined in paragraph 1.12 or other regulatory guidance. Examples of other reliable information may include but are not limited to Letters of Evaluation and bullets from a draft OPR and/or decoration. To reference the other reliable information in their record, the officer meeting the board may submit a letter to the central selection board.

8.2.3.1.2. May obtain information on an officer's most recent duty performance and performance-based potential from subordinate or previous supervisors and may consider their suggestions based upon the officer's duty performance for PRF recommendations. No officer will be asked to draft or prepare their own PRF. There will be no boards or panels of officers convened to collectively score, rate, rank, or tally the records and/or generate a priority list of eligible officers.

8.2.3.1.5. Provides the ratee a copy of the PRF (hand-delivered or sent in a sealed envelope clearly marked, "To Be Opened By Addressee Only") approximately 30 calendar days before the central selection board. PRFs are a private matter between the senior rater and the ratee. Subordinate evaluators may have access to a PRF rating to assist in the feedback process only if desired by the ratee. The senior rater must attach a memo (Figure 8.1) telling the ratee who receives a PRF with a *Do Not Promote This Board* recommendation that they have the right to submit a letter to the central selection board. The ratee must acknowledge receipt of the memorandum.

AIR FORCE EVALUATION

ARPC/DP recommends partially granting the applicant's request by granting the request for a special selection board as there is evidence of an error or injustice. It is the duty of the senior rater (SR) to evaluate the eligible officer's performance and ability to serve at the next higher grade and make a recommendation to the board. Per DAFI 36-2406, paragraph 8.2.3.1.1, the SR will review the ratees' Officer Performance Reports (OPRs), decoration citations, Duty Qualification History Brief, Personal information File, and Unfavorable Information File (UIF), if applicable, before preparing the PRF. In the applicant's case, his SR did not feel that he was ready for the next higher grade, hence the Do Not Promote This Board (DNP) recommendation and the corresponding comments in the PRF. Additionally, in accordance with DAFI 36-2406, paragraph 8.2.3.1.5, the senior rater must attach a memo telling the ratee who receives a PRF with a DNP recommendation that they have the right to submit a letter to Central Selection Board and the ratee must acknowledge receipt of the memorandum. However, while it is undetermined if the applicant received the memorandum from the SR, it is clear based on the email from the wing executive officer that he did not receive the PRF until after the Central Selection Board adjourned. As such, he was not afforded the opportunity to address the DNP recommendation via a letter to the board.

However, ARPC/DP recommends denying the portion of his request to either remove or replace his Work-Product PRF as there is no evidence that the SR acted contrary to law or guidance. Therefore, there is no evidence of an error or injustice. While the applicant references DAFI 36-2406 paragraph 3.16.4.6.1 regarding the prohibition of Developmental Education (DE) being prohibited in PRFs, it must be noted that nowhere in his Work-Product PRF does the SR mention DE.

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 23 May 23 for comment (Exhibit D), and the applicant replied on 22 Jun 23. In his response, the applicant reiterates that the DNP recommendation that he received was not supported by regulation and was otherwise improper and provides additional evidence, to include a memorandum from his Wing Commander (WG/CC) addressed to the AFBCMR, to substantiate his claim. Additionally, he provides as evidence email traffic from AFSOC/A1 that reflects, while still on active duty he was selected a primary to attend the Naval Post-Graduate School which would fulfill his IDE requirement, but he was unable to attend due to their inability to support his Exception Family Member Program (EFMP) needs.

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 the victim of an error or injustice. The Board concurs with the rationale and recommendation of ARPC/DP and finds a preponderance of the evidence substantiates the applicant's contentions in part. Specifically, the applicant has provided evidence that he was not afforded the opportunity to address the Do Not Promote recommendation in a letter to the selection board president, which is sufficient to justify granting the applicant's request meet a special selection board and submit a letter. However, for the remainder of the applicant's request, the evidence presented did not demonstrate an error or injustice. The Board determines that there is no evidence that the Senior Rater acted contrary to law or guidance and therefore the Board finds no basis to recommend granting that portion of the applicant's request. Therefore, the Board recommends correcting the applicant's records as indicated below.
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 pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show he be granted Special Selection Board (SSB) consideration by the CY22 ANGUS Line and Nonline Lieutenant Colonel Promotion Selection Board (Work-Product) and notified of his opportunity to provide a letter to the board, with suspense, prior to the board convening.

However, regarding the remainder of the applicant's request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

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-2023-00590 in Executive Session on 11 Jul 23:

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 3 Feb 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, ARPC/DP, dated 16 May 23.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 23 May 23.
- Exhibit E: Applicant's response, dated 22 Jun 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.

3/28/2025	
X	Work-Product
Board Operations Manager, AFBCMR	
Signed by:	Work-Product