

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2023-00817

XXXXXXXXXXXX

**COUNSEL:** XXXXX

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

1. She be promoted to senior master sergeant, E-8 (SMSgt) with an effective date of promotion of 1 May 22.
2. In the alternative, she be promoted to SMSgt with an effective date of promotion of 1 Jun 22, but no later than 1 Oct 22.
3. She receive all backpay, allowances, entitlements, and her official record be changed to reflect the promotion effective date.

### APPLICANT'S CONTENTIONS

After the Services Superintendent position became vacant, she became the Acting Services Superintendent beginning in Feb 21 until Apr 21 when she was placed in the Sustainment Services Superintendent position, a SMSgt position, and performed all the required duties. When she was abruptly moved out of the position on 24 Jan 22, leadership did not communicate to her either verbally or in writing as to the reason. Additionally, her leadership did not provide a reason, or counsel her, as to why she was not promoted during the period of 1 May 22 through 1 Oct 22 when she was both eligible and had the required retainability for promotion.

Department of the Air Force Instruction (DAFI) 36-2502, *Enlisted Airman Promotion and Demotion Programs*, outlines the eligibility requirements for promotion to SMSgt: 9 or 7 skill level; 24 months' time in grade; enlisted service of 10 years and 11 satisfactory years for retirement; Senior Noncommissioned Officer Academy (SNCOA); and an Associate's or higher degree from a nationally or regionally accredited school. She met and/or exceeded the requirements as she had her 7-skill level in Administration, well over 24 months' time in grade; 23 years of satisfactory service; attended in-residence SNCOA; and had possession of two Associate's, a Bachelor's and a Master's degree. The inaction of her leadership during the time that she had retainability to be promoted has been detrimental to her career progression.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is an Air Force Reserve master sergeant, E-7 (MSgt). According to the Military Personnel Database System (MilPDS), her High Year of Tenure Date (HYTD) is 29 Oct 24.

According to a *Career Data Brief*, provided by the applicant, dated 10 Dec 21, the following is reflected: rank - MSG; position number - 0M07845404.

In Apr 22, according to MilPDS, the applicant completed the in-residence SNCOA.

According to a *Career Data Brief*, provided by the applicant, dated 2 Jun 22, the following is reflected: rank – MSG; position number – XXXXXXXX.

According to documents provided by the applicant:

On 10 Feb 23, according to email, *Selection for TR SVF SMSgt Position*, dated 10 Feb 23, the applicant was informed by her force support squadron commander (FSS/CC) that she was selected as “our best candidate” for the traditional reservist (TR) SMSgt position; however, due to her ineligibility due to retainability she will need to sign a statement of understanding acknowledging that if the BCMR denies her retroactive promotion, then she will need to move out of the position.

On 1 Mar 23, according to memorandum, *Statement of Understanding*, dated 1 Mar 23, she acknowledged that she has been selected for the TR SMSgt position, position number XXXXXXXX, but is ineligible due to retainability and that to be considered for promotion, she will need to complete a BCMR request. If the board fails to grant her promotion or if she does not complete the BCMR request, she will vacate the position.

On 19 Mar 23, according to memorandum to the BCMR Board President, signed by her squadron commander, dated 19 Mar 23, the FSS/CC states the FSS was experiencing significant leadership turnover during the period of May 22 – Dec 22, which, due to no fault of the applicant, delayed the interview process for the TR position.

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

**APPLICABLE AUTHORITY/GUIDANCE**

DAFI 36-2502, *Enlisted Airman Promotion and Demotion Programs*, dated 16 Apr 21.

8.4.11. Airmen (TSgt [technical sergeant, E-6] through SMSgt) that are within 24 months of high year of tenure. (**Note:** Members must have 24 months retainability before being considered for promotion to MSgt through CMSgt [chief master sergeant, E-9]).

8.11. Reserve Service Commitment. Promotion to the ranks of MSgt, SMSgt, and CMSgt require two-years of retainability. If the Airman is unable to obtain the full two-year retainability, he or she is not authorized the promotion to the next higher grade.

**Table 8.1 AFR Promotion Authorities.**

Rule	Assignment	Affected Individuals	Authority
1	AFR unit members	SMSgt and CMSgt	Wing or detached group commander

AFI 36-3203, *Service Retirements*, dated 23 Feb 21:

3.1.2. Reserve Retirement Eligibility. 10 U.S.C. § 12731, establishes that ANG or AFR members must have at least 20 years of creditable years to qualify for a reserve retirement.

3.1.2.3. Enlisted Eligibility. Participating reserve enlisted members that reach the member’s HYTD at age 60 and do not apply for reserve retired pay will automatically be placed in the retired reserve under the provision of 10 U.S.C. § 12108, *Enlisted Members: Discharge or Retirement for Years of Service or for Age*.

## **AIR FORCE EVALUATION**

AFRC/A1K (Force Management) recommends denying the request. On 8 Apr 21, the applicant was moved into a vacant SMSgt TR position prior to completing the required professional military education, SNCOA. In Jan 22, this error was identified during a Unit Effectiveness Inspection (UEI) Capstone and on 24 Jan 22, by direction of the mission support group commander (MSG/CC), she was moved into a MSgt TR position. In accordance with DAFI 36-2110, *Total Force Assignments*, paragraph 9.1.1, any personnel selected to fill SMSgt/CMSgt authorizations are required to have completed the SNCOA (in-residence or by correspondence) prior to assignment to the next higher grade. This guidance is to be implemented without exception.

In Apr 22, after completing the required SNCOA, she was not moved back into the SMSgt TR position by her then squadron leadership and no evidence exists that the commander who originally placed her in the vacant SMSgt position had intentions of immediately promoting her, if at all. A series of unit leadership changes occurred between May 22 and early 2023, which delayed the formal interview and selection process for any of the SMSgt vacancies in the unit. However, no evidence exists the unit commander between her completion from SNCOA and the current commander intended to recommend promotion or place her back into a SMSgt position. On 10 Feb 23, the new unit commander selected the applicant for a vacant SMSgt TR position; however, the commander identified that they could not promote her as she did not have the required retainability.

Air Force Reserve Unit Vacancy Promotion Policy does not guarantee that every promotion eligible individual will, in fact, receive a promotion, even if they encumber a higher graded position. DAFI 36-2502, Table 8.1 identifies the appropriate promotion authority. Accordingly, for the Air Force Reserve unit program, the wing commander or detached group commander is the final approval authority for promotion to SMSgt.

Additionally, the applicant's Air Force Reserve HYTD of 29 Oct 24 does not allow for 24 months of retainability for promotion to SMSgt. In accordance with DAFI 36-2502, paragraph 8.11., promotion to the ranks of MSgt, SMSgt, and CMSgt requires two years of retainability. If the Airman is unable to obtain the full two-year retainability, he or she is not authorized the promotion to the next higher grade. Furthermore, AFI 36-2606, *Reenlistment and Extensions of Enlistment in the United States Air Force*, Attachment 2, states the HYTD is the member's pay date plus 33 years, first date of the following month, not to exceed age 60. If the pay date plus 33 years exceeds age 60, the member's HYTD is one day prior to age 60.

Finally, based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice. The applicant was removed from the SMSgt TR position when the UEI Capstone Inspector found that she did not meet the minimum eligibility requirement and no guarantee or promise was made to the applicant that she would be placed back into the SMSgt position upon graduation from the SNCOA.

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 27 Jun 23 for comment (Exhibit D), and the applicant replied on 25 Jul 23. In her response, the applicant believes there

is evidence of an error and injustice. On 1 Jun 22, she appeared on the unit promotion eligibility roster and at no time between 1 Jun 22 and 1 Oct 22 did the commander provide written or verbal feedback, guidance, or any communication as to why she was not promoted as leadership was aware of her two-year window of eligibility. Leadership failed to make every effort to reassign her as an overage to a vacant position, failed to respond to inquiries regarding the interview and selection process, and finally, failed to provide feedback and delayed the interview process until after 1 Oct 22.

As supporting evidence, the applicant provides a memorandum addressed to the AFBCMR, dated 25 Jul 23, from her then commander, who states “it was my intention to immediately promote [Applicant] when placing her in the vacant 3F191, SMSgt, Traditional Reserve position on 8 Apr 21 upon completion of SNCOA.”

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 AFRC/A1K and finds a preponderance of the evidence does not substantiate the applicant’s contentions. The applicant contends she was abruptly removed from a vacant SMSgt position and that her leadership failed to provide a reason as to why she was not promoted during the time period when she was both eligible and had the required retainability for promotion. However, the Board notes the applicant was removed from the vacant SMSgt position when the UEI Capstone Inspector found that she did not meet the minimum eligibility requirements for the position. Specifically, she had not completed the required Professional Military Education, SNCOA, as required by DAFI 36-2110. While the applicant provided a letter from her former commander who explained her intent to promote the applicant upon completion of the SNCOA, the Board recognizes she was no longer the sitting commander at the time the applicant finally completed the SNCOA on Apr 22. As such, the preponderance of the evidence does not show the commander in command between the applicant’s completion of the SNCOA and prior to the current commander taking command, intended to place the applicant back into a SMSgt position or recommend her for promotion. Finally, the Board finds the applicant did not complete the SNCOA until approximately four months prior to the date she became ineligible for promotion due to her HYTD and the Air Force Reserve Unit Vacancy Promotion Policy does not guarantee every promotion eligible individual will, in fact, receive a promotion, even if they encumber a higher grade. 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 DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2023-00817 in Executive Session on 17 Aug 23:

, Panel Chair  
, Panel Member  
, Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 16 Mar 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFRC/A1K, dated 21 Jun 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 27 Jun 23.
- Exhibit E: Applicant's Response, w/atchs, dated 25 Jul 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.

X

---

Board Operations Manager, AFBCMR