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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00921

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Her Removal for Cause from Developmental Education (DE) Designation memorandum, dated 23 Jan 20 be removed from her records.

APPLICANT'S CONTENTIONS

She was removed from DE while she was in the grade of captain (O-3). Per AFI 36-2907, *Adverse Administrative Actions*, removal for DE for cause issued between 1 Jan 12 to 26 Feb 21 is not required to be placed in the officer selection record (OSR). The removal from DE for cause was prior to the signing of DAFPM 2021-36-03, *Adverse Information for Total Force Officer Selection Boards*. The associated adverse information was not filed in her record or documented in her OPR. The removal from DE designation was never intended to be a part of her OSR and should be removed.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air Force major (O-4).

The applicant provides AF Form 1058, *Unfavorable Information File*, dated 2 Oct 19, which states a UIF was established due to a letter of reprimand (LOR) dated 2 Oct 19.

On 23 Jan 20, the AF/A1 approved the applicant's wing commander's (WG/CC) request that the applicant be removed from DE designation for cause. It further stated the applicant would no longer be eligible for any future in-residence DE and that the letter would be filed in her officer selection record (OSR).

On 4 Feb 20, the Removal from DE for Cause memorandum dated 23 Jan 20 was placed into the applicant's automated records management system (ARMS) record and it has been in her records since that date.

On 30 Apr 20, the applicant was promoted to the grade of major.

The applicant provides AF Form 1058 dated 16 Jun 20, which shows the WG/CC decided to remove the LOR and UIF.

The applicant's ARMS record does not contain a LOR and the military (MilPDS) does not reflect the applicant has a current UIF.

personnel data system
Controlled by: SAF/MRB
CUI Categories: Work-Product
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

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

APPLICABLE AUTHORITY/GUIDANCE

On 23 Jan 20, based on the request of the WG/CC, AF/A1 approved the "Removal for Cause from DE" letter. DAFI 36-2670, *Total Force Development*, paragraph 3.3.5. Declinations, Deferments, and Removals for Cause. Subparagraph 3.3.5.4, When a request from the senior rater, management level, or developmental team to remove an officer from a developmental education designation list for cause is approved by AF/A1, that officer will be permanently removed from the nomination list. AFPC will also produce a letter which will be filed as a permanent part of the member's OSR. As such, the letter was placed in the applicant's OSR on 4 Feb 20.

DAFI 36-2907, *Adverse Administrative Actions*, states in Paragraph 1.2.8. Historic adverse information issued prior to the date of the implementation will be filed in the Master Personnel Records Group (MPerRGp). Paragraph 1.2.8.3 states, All required historic adverse information will be migrated by the AFPC and the ARPC from existing data systems into the ARMS and made part of the MPerRGp and OSR. Adverse information already in the OSR regardless of when issued and received must remain in the OSR. Accordingly, although Figure A8.2., CGO Adverse Information Disposition table states that DE Removal for Cause between 1 Jan 12 - 26 Feb 21 is "Not required to be placed in OSR." According to Note 2, "Information already in OSR must remain subject to guidance in this instruction as defined in paragraph 1.2" and Paragraph 1.2. lists the DE Removal for Cause.

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) 2020-36-03, *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, letter of admonishment, 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 granting the request. The guidance states DE removal for cause for company grade officers (CGO) are not required to be placed in the OSR if the adverse action was issued between 1 Jan 12 to 26 Feb 21.

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 10 May 23 for comment (Exhibit D) but has received no response.

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 AFPC/DPMSSM and finds a preponderance of the evidence substantiates the applicant's contentions. Although the DE Removal Memorandum dated 23 Jan 20 was placed in the applicant's ARMS record on 4 Feb 20 and has been in her records since that date in accordance with DAFI 36-2670, the Board recommends it be removed in the interest of justice per AFI 36-2907, which states DE removals for CGOs are not required to be placed in the OSR if the adverse action was issued between 1 Jan 12 to 26 Feb 21. 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 the AF/A1 Memorandum, Removal for Cause from Developmental Education (DE) Designation, dated 23 Jan 20 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-2023-00921 in Executive Session on 5 Dec 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 22 Mar 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DPMSSM, dated 25 Apr 23.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 10 May 23.

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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.

3/28/2025

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Board Operations Manager, AFBCMR

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