



CUI//SP-MIL/SP-PRVCY

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00956

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

1. The "Given Under My Hand" signature date on his Meritorious Service Medal, with first oak leaf cluster (MSM w/1 OLC) be changed.
2. He be considered by a special selection board (SSB) for the CY20B P0520B Lieutenant Colonel Line of the Air Force (LAF-A) Central Selection Board (CSB).

APPLICANT'S CONTENTIONS

His MSM, w/OLC was not considered by the promotion board due to an incorrect and delayed date. His Duty Air Force Specialty Code (DAFSC), duty title, and coding of the position were also never correctly updated. His duty title should have reflected Instructor Pilot (K11M3K) and his position should have reflected as an Air Mobility Command Air Mobility Liaison Officer (AMLO) major command (CM) level position. Some of the administrative errors have since been corrected.

His MSM, w/1 OLC should have made the cut-off date for the original promotion board. He has the full support of the officers who recommended and approved the award for SSB consideration. The lack of the award very likely caused his in-the-promotion zone (IPZ) promotion board to assume there was a problem with his deployment or to score his service as less impactful. The detrimental impact of a delayed award meets the standard of an error or injustice. Should the Board grant SSB, his senior rater may wish to provide a new promotion recommendation form (PRF).

The applicant provides letters of support. In a memorandum dated 9 Sep 22, the originator of the MSM, w/1 OLC states there was a delay due to internal debates whether the applicant's position should receive an Air Force or a Joint award. The delays were outside of the applicant's control. By the time a decision was made to award the applicant an MSM more than five months had passed since his departure from the area of responsibility (AOR). He supports the proposed date for the award effective date be conservatively changed to one month from his departure. In a memorandum dated 9 Sep 22, the approval authority also recommended the "Given Under My Hand" signature date be changed to 20 Jan 20.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

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Controlled by: SAF/MRB
CUI Categories: SP-MIL/SP-PRVCY
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

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On 4 Nov 22, the applicant in a prior AFBCMR request (BC-2022-0944) requested the AFBCMR correct his "Given Under My Hand" date for his MSM, w/1 OLC and his DAFSC and command level be changed and he be considered by a SSB. On 30 Nov 22, the AFBCMR administratively closed the applicant's request for failure to exhaust administrative remedies. The applicant was advised to contact the original award authority for possible administrative correction.

The applicant's automated records management system (ARMS) record includes an AF IMT 973, *Request and Authorization of Administrative Orders*, revoking the order for award of the MSM w/1 OLC. His ARMS record includes an MSM w/1 OLC for Outstanding Achievement for the inclusive period 19 Aug 19 to 15 Dec 19. The "Given Under My Hand" date reflects as 20 Jan 20.

The applicant was nonselected for promotion to the rank of lieutenant colonel by the CY20B P0520B Lieutenant Colonel LAF-A CSB and subsequent lieutenant colonel promotion boards. Following his nonselection by the CY21B Lieutenant Colonel CSB, he was considered and selected for continuation on active duty until qualified for retirement (20 years active military service and 10 years active commissioned service). On 22 Jun 21, the applicant accepted selective continuation.

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

APPLICABLE AUTHORITY/GUIDANCE

In the past, AFBCMR cases were closed for "Failure to Exhaust Remedies" and applicants were told that they must first request an amendment to the "Given Under My Hand" date from the approval authority, who may approve or deny based on the circumstances. However, after further review of the regulation, AFPC has advised that the "Given Under My Hand" date is unamendable by the approval authority. Per AF/A1 policy, the "Given Under My Hand" date is the date the commander approves the decoration. The policy is also the same for all sister services, Joint Staff and the Department of Defense (DOD). As such, the AFBCMR is the only option to request a change to the "Given Under My Hand" date.

AIR FORCE EVALUATION

AFPC/DPMSPP recommends partial grant. The applicant met and was non-selected for promotion within the CY20B P0520B Lieutenant Colonel LAF-A CSB. The applicant is entitled to SSB consideration within the P0520B CSB based on the absence of his K11M3K duty title/DAFSC, as well as the error within his OSB improperly reflecting the level of his AMLO assignment as "Wing/Base" and his DAFSC showing J11M3U, rather than J11M4K. No additional actions are necessary for consideration of this document.

The applicant is not entitled to SSB consideration within the P0520B CSB for the MSM, w/1 OLC. While the period of the award took place prior to the CSB convening date of 4 May 20, the medal was not awarded prior to the P0520B CSB per the "Given Under My Hand" date. In accordance with Air Force Evaluations and Recognition Programs policy, the "Given Under My Hand" date is the official date of the commander's approval and may not be administratively changed.

The complete advisory opinion is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 5 May 23 for comment (Exhibit E), and the applicant replied on 24 May 23. In his response, the applicant states there is confusion about the correct method of adjusting the date. He first submitted an AFBCMR request to update the MSM w/1 OLC to an earlier date and SSB consideration in AFBCMR BC-2022-02944. His request was denied due to not exhausting all administrative methods. Based on the denial for failure to exhaust, he contacted Air Force Central Command (AFCENT). They revoked the order and reissued the award with a "Given Under My Hand" date of 24 Jan 20. There seems to be confusion about the correct method of adjusting the date. There is no doubt he earned the medal or that it should have been in his record prior to the P0520B CSB. He has the full support of the officers who recommended and approved the award as well as the support of the AFCENT/A1 who reissued the award with a corrected timeline. He requests the official support of the AFBCMR for the new "Given Under My Hand" date and SSB.

The applicant's complete response is at Exhibit F.

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/DPMSPP and finds a preponderance of the evidence substantiates the applicant's contentions in part. Specifically, the applicant has provided sufficient evidence to conclude his DAFSC and duty information were incorrect, which is sufficient to justify granting the applicant's request for SSB consideration for the CY20B P0520B Lieutenant Colonel LAF-A CSB. However, for the remainder of the applicant's request, the evidence presented did not demonstrate an error or injustice, and the Board therefore finds no basis to recommend granting that portion of the applicant's request. In this respect, the Board finds the processing time for the applicant's award of the MSM w/1 OLC was not disproportionate to find the applicant was treated differently than other similarly situated officers. 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 considered by a SSB for the CY20B P0520B Lieutenant Colonel LAF-A CSB.

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-2023-00956 in Executive Session on 12 Sep 23:

Work-Product [Redacted] Panel Chair
Work-Product [Redacted] Panel Member
Work-Product [Redacted] Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 28 Mar 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Notification of FTE, w/atchs, dated 30 Nov 22.
- Exhibit D: Advisory opinion, AFPC/DPMSP, dated 21 Apr 23.
- Exhibit E: Notification of advisory, SAF/MRBC to applicant, dated 5 May 23.
- Exhibit F: Applicant's response, dated 24 May 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.

9/10/2024

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Board Operations Manager, AFBCMR

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