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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-01511

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COUNSEL: NONE

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

He receive a special selection board (SSB) for promotion consideration to colonel (O-6) for the CY22 USAFR Line and Nonline Colonel (O-6) Promotion Selection Board (PSB).

### APPLICANT'S CONTENTIONS

On 22 Aug 22, the applicant had a discussion with his Senior Rater and the RIO/CC regarding the Promotion Recommendation Form (PRF) that would be submitted for the CY22 USAFR Colonel Mandatory Participating Reserve (PR) Promotion Board (V0622A). On 16 Sep 22, he received a copy of the signed PRF from his Senior Rater's executive officer. However, after being notified of his non-selection, he discovered the PRF in his electronic Officer Selection Record (eOSR) was different than the PRF he received on 16 Sep 22. On 17 Oct 22, the V0622A convened. In accordance with AFI 36-2504, *Officer Promotion, Continuation, and Selective Early Removal in the Reserve of the Air Force*, paragraph 1.6., "Senior Raters will: provide each mandatory board eligible nominee a copy of his or her PRF approximately thirty-days before a selection board convenes." He agrees that it is the member's responsibility to ensure his records are correct prior to the date the board convenes; however, due to the date he received a copy of the PRF, and the board convening date, he expected the PRF in his eOSR to be accurate. The applicant believes an administrative material error, as identified in Title 10 §14502. *Special selection boards: correction of errors*, resulted in a different PRF uploaded to his eOSR. Furthermore, an injustice occurred when ARPC repeatedly failed to identify the oversight during post board counseling. The applicant is requesting an SSB because the PRF notification rules outlined in AFI 36-2504, paragraph 1.6 were violated when the ARPC Post Board counseling determined the Senior Rater was permitted to override the thirty-day notification and submit a new PRF because they needed to correct an administrative error.

The applicant provided the myPers correspondence with ARPC/PB. On 27 Feb 23, ARPC/PB advised the applicant that his Senior Rater was notified the PRF contained duplicate stratifications and needed to be corrected. ARPC/PB informed the applicant the only change on the corrected PRF was the Senior Rater's decision to remove the second stratification. Furthermore, ARPC/PB noted the PRF that met the board was not missing information or incorrect.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is an Air Force Reserve lieutenant colonel (O-5).

**AFBCMR Docket Number BC-2023-01511**

Work-Product

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On 26 Aug 22, according to AF Form 709, *Promotion Recommendation*, provided by the applicant, his Senior Rater endorsed the form that has a stratification of “2/8” in section IV. *Promotion Recommendation*, and a stratification of “2/2/8” in section VI. *Group Size*.

On 14 Sep 22, according to AF Form 709, *Promotion Recommendation*, provided by the applicant, his Senior Rater endorsed the form that has “Phenomenal ldr!” in section IV. *Promotion Recommendation*, and a stratification of “2/2/8” in section VI. *Group Size*.

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, 2406, *Officer and Enlisted Evaluations Systems*

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. If the ratee is geographically separated, send it to the ratee by secure electronic communication or by “return receipt requested” mail. Contact the MPF for assistance, if necessary.

Title 10 §14502. *Special selection boards: correction of errors*

(2) A special selection board convened under this subsection shall consider the record of the officer or former officer as that record would have appeared to the promotion board that should have considered the officer or former officer. That record shall be compared with a sampling of the records of those officers of the same grade and competitive category who were recommended for promotion and those officers of the same grade and competitive category who were not recommended for promotion by that board.

(3) If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer in a grade below the grade of colonel or, in the case of an officer or former officer of the Navy, captain, whose name was referred to it for consideration, the officer or former officer shall be considered to have failed of selection for promotion.

(b) Officers Considered But Not Selected; Material Error.—(1) In the case of an officer or former officer who was eligible for promotion and was considered for selection for promotion from in or above the promotion zone under this chapter by a selection board but was not selected, the Secretary of the military department concerned may, under regulations prescribed by the Secretary of Defense, convene a special selection board under this subsection to determine whether the officer or former officer should be recommended for promotion, if the Secretary determines that—  
(A) the action of the selection board that considered the officer or former officer was contrary to law in a matter material to the decision of the board or involved material error of fact or material administrative error; or

(B) the selection board did not have before it for its consideration material information.

## AIR FORCE EVALUATION

ARPC/PB recommends denying the applicants request for a special selection board (SSB) for CY22 USAFR Colonel Mandatory Participating Reserve (PR) Promotion Board (V0622a). The applicant contends an administrative error became a material error, and resulted in his Senior Rater submitting a different PRF to the promotion board from the version he was provided. On 26 Aug 22, in accordance with DAFI 36-2406, section 8.2.3.1.5., the applicant's Senior Rater signed the PRF and the executive officer sent a copy to the applicant approximately thirty-days before the promotion board. ARPC/PBE reviewed the PRF and discovered the competitive stratifications were duplicated and used in Section VI *Group Size*, and Section IV *Promotion Recommendation*. According to the CY22 USAFR Line and Nonline Colonel Promotion Selection Boards Convening Notice (ARPCM 22-18), attachment 7a, the first stratification must be amongst eligible officers by competitive category and the second stratification must follow the guidelines as outlined in section 2.2 "Authorized Peer Groups". Senior Raters are only permitted to provide two stratifications on an officer's PRF, and cannot include the competitive category in the second stratification. On 14 Sep 22, the Senior Rater's executive officer submitted a corrected PRF to ARPC/PB. On the corrected version, the Senior Rater elected not to provide a second stratification, and replaced the previously incorrect stratification with "Phenomenal ldr!". ARPC/PB accepted the corrected PRF and submitted to the Officer's Selection Record for V0622A.

In accordance with Title 10, U.S.C, § 14502, Special selection boards: correction of errors, allows the Secretary of the military department concerned to convene Special Selection Boards if officers were not considered by a mandatory promotion board due to an administrative error or if officers were considered by a mandatory promotion board and were not selected due to a material error. For officers who were considered but not selected due to a material error, the Secretary determines if, the action of the mandatory promotion board was contrary to law in a matter material to the decision of the board or involved material error of fact or material administrative error; or the mandatory board did not have before it for its consideration material information. There is no evidence supporting there was material evidence. The PRF was submitted on time and was in compliance with law, guidance, and DAF instructions. Furthermore, there is no evidence that a material administrative error occurred as the PRF was initially reviewed, found to have errors, returned for correction, corrected PRF was received, and the PRF was processed and placed in the applicant's Officer Selection Record (OSR) for the board review.

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 Jul 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. While the Board notes the recommendation of ARPC/PB against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions. The Board found the process for submission of the first PRF was followed in accordance with DAFI 36-2406, section 8.2.3.1.5. However, as the applicant states and the Board concurs that the PRF

notification rules were not adhered to when the applicant was not provided the opportunity to review the corrected PRF to provide comments to the promotion board prior to the promotion board convening. 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 he be provided special selection board consideration for the Calendar Year 2022 USAFR Colonel Mandatory Participating Reserve (PR) Promotion Board (V0622a).

**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-2023-01511 in Executive Session on 12 Sep 23:

-  Panel Chair
-  Panel Member
-  Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 5 May 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, ARPC/PB, w/atchs, dated 28 Jun 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 10 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.

10/2/2024

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