



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-2023-02041

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He be promoted to the grade of chief master sergeant (E-9) and his records show he served in an E-9 position.

APPLICANT'S CONTENTIONS

His selection for promotion to the grade of E-9 was in accordance with DAFI 36-2502, *Enlisted Airman Promotion and Demotion Programs*. A manpower discrepancy was made at higher headquarters indicating his squadron was manned at 150 percent in E-9 positions for Air Force Specialty Code (AFSC) 2T200, Air Transportation. However, as described in his high year tenure (HYT) extension request, he was slated to replace an incumbent member with an approved retirement. The error resulted in his inability to attend the Chiefs' Orientation Course, which required two years retainability. The AFRC lacked key information in denying his promotion. The denial of his promotion caused him stress, resulted in a long-lasting effect on his career and was not in the best interest of AFRC.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a senior master sergeant (E-8) in the Air National Guard.

On 17 Nov 21, the applicant's squadron commander (SQ/CC) requested an extension of his HYT from 1 Jan 23 to 1 Jan 26, in accordance with AFI 36-2606, *Reenlistment and Extension of Enlistment in the United States Air Force*. The SQ/CC stated the applicant was the most qualified candidate interviewed for the E-9, 2T200 position, and that the current overall unit manning was 65 percent.

On 21 Jan 22, the AFRC/CD informed ARPC/DPTTS the applicant's HYT extension request was disapproved in the best interest of the Air Force. Manning AFRC-wide for AFSC 2T200 was 93 percent (91 authorized, 85 assigned) and unit manning was 150 percent (two authorized, three assigned).

On 4 Dec 22, the applicant filed an inspector general (IG) complaint alleging his HYT waiver was wrongfully denied in Jan 22. On 31 Mar 23, the AFRC/IGQ dismissed the applicant's complaint per AFI 90-301, *Inspector General Complaints and Resolution*, Table 3.13, Rule 1, The complainant has not brought forth credible evidence of a violation of law, instruction, regulation, or policy. The applicant was advised he could petition the AFBCMR for correction of his records.

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

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Per Reserve Order dated 8 Dec 22, the applicant's retirement effective 30 Dec 22 was revoked.

AF Form 2096, *Classification/On-the-Job Training Action*, dated 8 Feb 23, reflects the applicant was placed in Duty Air Force Specialty Code (DAFSC) of 2T271 (7-skill level, technician position), effective 22 Dec 22.

The applicant provides a memorandum from his SQ/CC dated 7 Jun 23, which states the applicant was board selected for the E-9 superintendent position per DAFI 36-2502. Upon selection, he was moved into the E-9 (2T200) position on the unit manning document (UMD) to expedite a class slot for the Chiefs' Orientation Course. The waiver request was denied as it did not reflect the correct manning level.

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

AIR FORCE EVALUATION

AFRC/A1KK recommends denial. The decision to deny the HYT waiver ultimately led to the applicant not meeting promotion eligibility requirements.

In accordance with AFI 36-2606, the commander must provide unit and overall manning by grade. It is the commander's responsibility to provide accurate information to the decision authority when submitting requests for HYT waivers. Based on the information provided by the commander to the approval authority, the decision to deny the request was valid. While the applicant did serve in an E-9 position, there is no evidence he was recommended for promotion, promoted or held the grade due to the denial of the HYT waiver.

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 6 Nov 23 for comment (Exhibit D), and the applicant replied on 16 Nov 23. In his response, the applicant contended his HYT was denied because unit manning was 150 percent; however, this was not true, he was replacing the retired E-9, which kept manning at 100 percent. He was moved to the E-8 position after being board selected for promotion to E-9. The move was a requirement to attend the Chiefs' Orientation Course. The original waiver to the numbered air force (NAF) stated the reason for the early submission was due to his promotion and attendance for the Chiefs' Orientation Course. The current senior enlisted leader (SEL) was retiring on 5 Jan 22 and the applicant was selected as the incoming SEL. However, the unit could not process his promotion until he could obtain the required 24-month retainability for attendance of the course. The error is that this statement was not included in the request forwarded to AFRC.

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/A1KK and finds a preponderance of the evidence does not substantiate the applicant's contentions. While the applicant contends his HYT waiver was unjustly denied, the Board finds no evidence to sustain this to be the case. Based on the evidence, it appears the denial of the applicant's HYT waiver by the AFRC/CD was within their authority and discretion and was based on unit manning. 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 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-2023-02041 in Executive Session on 13 Feb 24:

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

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 12 Jun 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFRC/A1KK, dated 2 Nov 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 6 Nov 23.
- Exhibit E: Applicant's Response, w/atchs, dated 20 Nov 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.

3/22/2024

Work-Product

Board Operations Manager, AFBCMR

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