



Attorney-Client

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Attorney-Client

DOCKET NUMBER: BC-2023-02207

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He be considered for promotion by a special selection board (SSB) for the U0522A, CY22 Air Force Reserve Line and Nonline Lieutenant Colonel Position Vacancy (PV) Promotion Selection Board.

APPLICANT'S CONTENTIONS

He was eligible for the U0522A Lieutenant Colonel PV Promotion Board which convened on 6 Jun 22; however, due to administrative error his organization failed to submit a Promotion Recommendation Form (PRF). This error was only discovered following the release of the promotion board results.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force Reserve major (O-4).

On 10 Jan 22, according to email addressed to the applicant from his Force Support Squadron, Officer Promotion (FSS/FSMPD), *FOUA\\U0522A – Officer Selection Brief - <applicant>*, document provided by the applicant, he was notified that the CY22A (U0522A) PV Promotion Selection Board tentatively convenes on 6 Jun 22 and that his Officer Pre-selection Brief (OPB) is attached for his review.

On 18 Jan 22, ARPC/PB released *ARPCM 22-04, CY22 Air Force Reserve Line and Nonline Lieutenant Colonel Promotion Selection Boards Convening Notice*, which stated the CY22 Air Force Reserve Line and Nonline Lieutenant Colonel Promotion Selection Boards are scheduled to convene at the Headquarters, Air Reserve Personnel Center on 6 Jun 22. It contained the following information/instruction:

a. Attachment 9, paragraph 2. *Suspense Date For PV Board*, in accordance with AFI 36-2406, *Officer and Enlisted Evaluation Systems*, para 8.2.4.2, the last date HQ ARPC will accept PV nominations is Day -45. Officers must meet all eligibility requirements on that date. PV PRFs will not be accepted after Day -45 and there are no exceptions to this suspense date. Contact ARPC/PBE prior to the suspense if you are experiencing system issues.

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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

Department of the Air Force Instruction (DAFI) 36-2501, *Officer Promotions and Selective Continuation, Chapter 6, Special Selection Boards (SSB)*, paragraph 6.3, *Conditions That May Warrant an SSB*: 6.3.1, Grant SSBs for promotion to the grade of captain through colonel based on: Legal, Administrative, and Material Errors. Acting on behalf of the SECAF, HQ AFPC/DPPP and HQ AFPC/DPPPO can direct an SSB for an officer if it is determined: The action of the board that considered the officer was contrary to law or involved material error of fact or material administrative error, or; The board did not consider material information that should have been available in compliance with pertinent Air Force directives and policies.; An eligible officer did not meet a board or met the board in an incorrect promotion zone or competitive category. 6.3.2. Pursuant to Formal Appeal. The AFBCMR can grant SSBs when they determine an officer's nonselection for promotion resulted because of an error or injustice in the officer's record.

AIR FORCE EVALUATION

ARPC/PB recommends denying the request for a special board as per the supporting documentation provided by the applicant, there is no evidence that an administrative error occurred. He was notified on 10 Jan 22 by his FSS Officer Promotion office of his eligibility for the CY22A (U0522A) PV Promotion Selection Board. In order to meet a PV board, senior raters must nominate the eligible officer by submitting a PRF. If the senior rater would have written the PRF prior to the promotion board, and it was simply a matter of ARPC/PB not receiving the PRF by the prescribed due date, then this situation would be considered an administrative error. However, a PRF was never submitted by the applicant's senior rater, which means that he was not originally nominated for the PV board. Although, per his supporting documentation, his leadership did state their intent was to submit him for a PV promotion, the statement was from his supervisor and not from his senior rater. Since the senior rater is the nominating authority, they should be the one who submits or coordinates on the explanation as to why the officer was not nominated on time. If the applicant can provide a signed memorandum from his senior rater explaining why he was not nominated in 2022 and/why a PRF was not submitted by -45 days prior to the board, then his request should be reconsidered in accordance with (IAW) Title 10 U.S.C. §14502, *Special Selection Boards*, (a)(1) officers not considered for promotion because of an administrative error could be approved for a special board.

Additionally, IAW the PV guidance in *ARPCM 22-04, CY22 USAFR Lieutenant Colonel Line and Nonline Promotion Board Convening Notice*, Chapter 9, states the PV program gives senior raters the means to nominate exceptionally well-qualified candidates for early promotion to fill vacancies. The nominating Senior Rater will use AF Form 709, *Promotion Recommendation Form* (PRF), to nominate members for PV promotion at the time eligibility is established. IAW AFI 36-2406, *Officer and Enlisted Evaluation Systems*, para 8.2.4.2, the last date HQ ARPC will accept PV nominations is Day -45. Officers must meet all eligibility requirements on that date. PV PRFs will not be accepted after Day -45 and there are no exceptions to this suspense date.

Finally, IAW Air Force Instruction (AFI) 36-2504, *Officer Promotion, Continuation, and Selective Early Removal in the Reserve of the Air Force*, Chapter 2, paragraph 2.7, *Senior Rater*, the senior rater reviews the officer's information as outlined in the board convening notice; prepares the PRF (AF Form 709, Promotion Recommendation) when required; submits the completed form to

ARPC/PB, as appropriate, no later than 45 days before the selection board; and provides the eligible officer a copy approximately 30 days before the board convenes.

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 28 Aug 23 for comment (Exhibit D), and the applicant replied on 26 Sep 23. In his response, the applicant provides, as requested by the advisory, a signed memorandum from his senior rater explaining he intended to nominate the applicant for the PV vacancy; however, due to administrative error and no fault of the applicant, the applicant was not nominated and he supports the applicant's request for special selection board (SSB) for the U0522A, CY 22 USAFR Lieutenant Colonel Line and Non-line Position Vacancy board.

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 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 determined that the applicant is entitled to SSB consideration in accordance with Title 10, U.S.C, § 14502 and DAFI 36-2501, paragraph 6.3, as there is evidence of an administrative error. Specifically, the applicant provided a signed memorandum from his senior rater stating that the failure to submit the applicant's nomination for the PV vacancy was due to administrative error, was of no fault of the applicant, and it was the senior rater's intent to nominate and submit the applicant for the position vacancy promotion. 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 that he be considered for promotion to the grade of lieutenant colonel (O-5) by a special board for the U0522A, CY22 Air Force Reserve Line and Nonline Lieutenant Colonel Position Vacancy (PV) Promotion Selection 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-2023-02207 in Executive Session on 3 Oct 23:

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Panel Chair

Panel Member

Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 3 Jul 23.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, ARPC/PB, w/atchs, dated 21 Aug 23.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 28 Aug 23.

Exhibit E: Applicant's Response, received 26 Sep 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.

9/2/2025

X

Attorney-Client

Board Operations Manager, AFBCMR

Signed by:

Attorney-Client

AFBCMR Docket Number BC-2023-02207

Attorney-Client