



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-2023-02336

*Work-Product*

**COUNSEL:** *Work-Product*

**HEARING REQUESTED:** NO

**APPLICANT'S REQUEST**

His grade to Chief Master Sergeant (CMSgt/E-9) for promotion cycle *Work-Prod...* be reinstated with a date of rank (DOR), effective date and pay/allowances retroactive to 1 Aug 21.

**APPLICANT'S CONTENTIONS**

He was selected for promotion to E-9 during the *Work-Pro...* promotion cycle with a corresponding promotion sequence number (PSN) of *Work-P...* On 21 May 21, he received a referral CMSgt-Select performance evaluation. On 1 Aug 21, his projected promotion date and his PSN was removed from the Military Personnel Data System (MilPDS) due to the referral performance evaluation. On 11 Apr 23, the Evaluation Reports Appeals Board (ERAB), by order of the Chief of Staff (CSAF), removed the referral evaluation report from his record and replaced it with a Form 77, *Letter of Evaluation*. He engaged his local military personnel flight and AFPC to begin the reinstatement process per DAFI 36-2502, *Enlisted Airman Promotion and Demotion Programs*. Subsequently, he was selected by the 21E9 Senior Noncommissioned Officer Supplemental Board. He then routed a promotion reinstatement and date of rank exception to policy through his chain of command, which following concurrence by his squadron, group, and wing leadership, 2nd Air Force (2AF) stated the reinstatement package was not complete as they needed copies of court records, which had already been expunged, and a copy of the referral evaluation which had been removed from his record by the ERAB by order of the CSAF. Further, 2AF stated they would not continue the reinstatement process without these documents, even though they legally no longer exist. Due to these circumstances, he is seeking relief to have his original promotion date of 1 Aug 21 reinstated.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is an Air Force chief master sergeant (E-9).

According to the *Enlisted Promotion Information, Weighted Airman Promotion System Score Notice, as of 12 Sep 22*, dated 15 Sep 22, provided by the applicant, Section, *Promotion Cycle Information*, reflects the following: Cycle: *Work-Product*; Promotion Status: Selected; Line Number: *Work-Pro...* Promotion Eligibility Status: Selected-Selected for Promotion.

On 11 Apr 23, according to AF Form 77, he was not rated for the period of 7 Apr 21 – 21 May 21. Additionally, it contains the following statement “ Evaluation removed by order of the Chief of Staff, USAF.”

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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](mailto:SAF.MRBC.Workflow@us.af.mil)

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On 23 May 23, according to memorandum, *Exception to Policy & Promotion Reinstatement* \_<applicant's name>, document provided by the applicant, his squadron commander requested the applicant's original *Work-Pr...* (PSN be reinstated, and he be retroactively promoted to CMSgt with an effective promotion date and date of rank of 1 Aug 21. The memorandum was endorsed and concurred by the SWTG/CC, SWTW/CC, 2AF/CC and AETC/CC.

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

**AIR FORCE EVALUATION**

AFPC/DPMSSP, recommends granting the request. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. The applicant's projected promotion was removed due to his referral evaluation report which was the result of a charge from the State of Florida. All charges were dismissed and the arrest was officially expunged from his civilian record. According to DAFI 36-2502, paragraph 8.4.5, airman within one-year of a referral Enlisted Performance Report are precluded from promotion. However, the referral evaluation report which rendered him ineligible for promotion was removed and replaced by an AF Form 77. Since the reason for his promotion ineligibility no longer exists, he should be reinstated to grade of chief master sergeant (E-9) with a date of rank of 1 Aug 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 25 Sep 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/DPMSSP and finds a preponderance of the evidence substantiates the applicant's contentions. 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 was promoted to the grade of chief master sergeant (E-9) with a date of rank and effective date of rank of 1 Aug 21.

**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-2023-02336 in Executive Session on 9 Jan 24:

*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 17 Jul 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DPMSSP, dated 16 Aug 23.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 25 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.

5/21/2024

X *Work-Product* [redacted]

*Work-Product* [redacted]

Board Operations Manager, AFBCMR

Signed by: *Work-Product* [redacted]