



UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-02362

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

1. His referral officer performance report (OPR) for the reporting period 12 May 21 to 14 Jul 21 be removed from his records.
2. The inclusive dates of his OPR for the period 15 Jul 21 to 14 Jul 22 be changed to 12 May 21 to 14 Jul 21.
3. He be considered for promotion by a special selection board (SSB) for the CY22A (P0522A) and CY23B (P0523B) Lieutenant Colonel Line of the Air Force (LAF-A) Central Selection Boards.

APPLICANT'S CONTENTIONS

The referral OPR should be removed due to his letter of reprimand (LOR) and unfavorable information file (UIF) being issued prematurely based on unsubstantiated charges, which were later reduced. On 11 Jun 21, he was cited for an off base incident handled by civilian authorities. On 24 Jun 21, he was issued an LOR and was subsequently issued a referral OPR. However, he did not see a judge until 2 Mar 22 and the charges were reduced to reckless driving. His commander removed the UIF on 14 Mar 22. He requests the inclusive dates of his OPR ending 14 Jul 22 be changed to preclude any gaps. If the OPR is removed, he requests SSBs due to the injustice related to the undue emphasis on the isolated incident.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 22 Jun 21, the applicant was informed he was not selected for promotion by the CY21B Lieutenant Colonel LAF-A CSB. However, he was selected for continuation by the CY21B Major Selective Continuation Board. On 22 Jun 21, the applicant accepted continuation on active duty until qualified for retirement as an officer (20 years active military service and 10 years active commissioned service) or age 62, whichever date is earlier.

The applicant received a referral OPR for the period ending 14 Jul 21. The referral OPR states he used poor judgment and operated a vehicle while under the influence, resulting in a civilian arrest

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and damage to a vehicle. In his response dated 25 Aug 21, the applicant accepted full responsibility for his actions and requested the opportunity to recover.

The military personnel data system (MilPDS) reflects the applicant was deferred for promotion to lieutenant colonel (O-5) by at least three CSBs.

The rater and additional rater on the applicant's OPR ending 14 Jul 22 are different than the rater and additional rater on his 14 Jul 21 OPR.

On 5 Jul 23, the evaluation reports and appeals board (ERAB) denied the applicant's request for removal of his referral OPR. The ERAB was not convinced the original report was unjust or wrong.

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

AIR FORCE EVALUATION

AFPC/DP3SP recommends denial. The applicant was issued a LOR on 24 Jun 21 and subsequently received a referral OPR. The LOR was removed on 14 Mar 22 after his charges were reduced from driving under the influence (DUI) to reckless driving. The statement on the OPR "Used poor judgment; operated a vehicle while under the influence – resulted in civilian arrest/damage to vehicle" is still an accurate depiction of what occurred. The reduced charge from a DUI to reckless driving (which the applicant pled guilty) does not invalidate the derogatory comment, which only references the applicant's behavior and actions during the period. Further, in his response to the referral OPR, the applicant accepted full responsibility for his actions. There is no evidence that an error or injustice occurred on the report to warrant removal. An evaluation report is considered to represent the rating chains best judgment at the time the report is rendered.

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 26 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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DP3SP and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board finds the applicant has provided insufficient evidence to find his referral OPR for the period ending 14 Jul 21 is not correct as reflected. Accordingly, the Board agrees with the decision of the ERAB there is insufficient evidence to find the OPR was wrong or unjust. Since the Board does not recommend removal of the referral OPR ending 14 Jul 21, the Board also does not recommend the inclusive dates of his 14 Jul 22 OPR be changed or that he be considered for promotion to the

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grade of lieutenant colonel by a SSB. 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-2023-02362 in Executive Session on 7 Nov 23:

Work-Product, Panel Chair
Panel Member
Work-Product, Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 20 Jul 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 20 Sep 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 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.

8/17/2025

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Associate Director, AFBCMR
Signed by: USAF

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