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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-02420

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COUNSEL: NONE

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

His relief of command memorandum dated 25 Oct 20 be removed from his records.

### APPLICANT'S CONTENTIONS

In his AFBCMR case (BC-2021-03297), the Board removed his letter of admonishment (LOA) dated 25 Oct 20 and the erroneous and unfair substantiated inspector general (IG) complaint (FRNO 2017-17601). However, he did not request removal of the relief of command memorandum. He provides a memorandum from the issuing authority who agrees the relief of command memorandum should be removed given the AFBCMR's decision to remove the LOA and the IG Addendum Report of Investigation (ROI).

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a lieutenant colonel (O-5) in the Air Force Reserve.

The Wing IG (WG/IG) ROI dated 2 Nov 19 concluded all nine allegations the applicant reprised against the complainant were not substantiated.

Upon receipt of the ROI, the SAF/IGQ determined to conduct an investigation. The Addendum to the ROI dated 20 May 20, states their office reviews all reprisal cases before such cases are forwarded to the Department of Defense IG (DoD) IG for final approval. The SAF/IGQ overturned the findings and substantiated three of the allegations.

On 25 Oct 20, the applicant received an LOA. It stated an investigation conducted by the SAF/IGQ disclosed that the preponderance of the evidence supported the applicant reprised against a subordinate for making protected communication.

On 25 Oct 20, the applicant was relieved of command, for cause, in accordance with AFI 51-509, *Appointment to and Assumption of Command*, paragraph 14.2, effective 1 Dec 20 by his wing commander (WG/CC). The memorandum states the State ANG commander (ANG/CC) was notified.

On 15 Mar 22, the Board recommended the applicant's LOA dated 25 Oct 20 and SAF/IGQ Complaints Resolutions Directorate, Addendum to the ROI (FRNO 2017-17601) dated 20 May 20 be removed from his records. The Board recognized the recommendation of DAF/JA to deny the request; however, the Board noted DAF/JA's comment that the potential consequences of the

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Addendum ROI could be argued as unfair given the long history and pattern of dishonesty and misconduct by the complainant and the low threshold of the standard of proof to substantiate the allegations. The Board did not find the letters of reprimands (LOR) and letters of counseling (LOC) the applicant issued to the complainant for his misconduct were unjust or in reprisal for making protected communication. The applicant did not request the relief of command memorandum dated 25 Oct 20 be removed from his record.

The applicant provides a memorandum in support from the State ANG/CC dated 26 Jul 23. It states the relief of command letter was issued by the applicant's wing commander (WG/CC) after she notified the ANG/CC. The State ANG/CC requests the relief of command memorandum dated 25 Oct 20 be removed from his records. The decision for removal of the LOA and the ROI FRNO 2017-17601 dated 20 May 20 directly correlates to the relief of command action, which should also be removed.

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

### **APPLICABLE AUTHORITY/GUIDANCE**

AFI 51-509, *Appointment to and Assumption of Command*, paragraph 14.2. For cause. An officer may be relieved of command for cause, including instances where the superior competent authority has lost confidence in the officer's ability to command due to misconduct, poor judgment, the subordinate's inability to complete assigned duties, the interests of good order and discipline, morale, the good of the organization or other similar reasons.

### **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 in his prior AFBCMR case (BC-2021-03297) found the applicant was the victim of an injustice when SAF/IG determined to reinvestigate the applicant for allegations of reprisal that were previously found to be unsubstantiated and recommended removal of his LOA and the SAF/IG Addendum ROI from his records. The applicant did not request removal of the relief of command memorandum dated 25 Oct 20. However, he now provides a letter of support from the State ANG/CC dated 26 Jul 23 recommending removal of the relief of command action. In this respect, the Board finds the State ANG/CC letter of support persuasive to warrant relief. 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 the Relief of Command memorandum dated 25 Oct 20 be removed from his records.

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## 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-2023-02420 in Executive Session on 12 Sep 23:

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

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

Exhibit A: Application, DD Form 149, w/atchs, dated 26 Jul 23.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: ROP (BC-2021-03297), w/Exhibits, dated 11 Apr 22

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

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Board Operations Manager, AFBCMR

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