



**CUI//SP-MIL/SP-PRVCY**

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

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2023-02483

*Work-Product*

**COUNSEL:** *Work-Product*

**HEARING REQUESTED:** YES

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**APPLICANT'S REQUEST**

1. His date of rank (DOR) to the grade of Major (O-4) be corrected to reflect 22 Apr 22.
2. His effective DOR be changed to reflect 3 Oct 22.

**APPLICANT'S CONTENTIONS**

On 22 Apr 22, he met a Federal Recognitions Evaluation Board (FREB) at the *Work-Product* Air Refueling Wing (ARW) for a position vacancy (PV) promotion consideration to major which would have resulted in him being scrolled on the CY22B officer PV scroll. However, he was advised the 22 Apr 22 board proceedings were in error as it failed to have an officer in his competitive category (LAF-C), sitting on the board. On 8 Jun 22, the wing convened a second FREB and the *Work-Product* Air National Guard (*Work-Product*/A1 submitted his PV package to NGB on 10 Jun 22, which met the submission timeline for him to be scrolled on the CY22C officer PV scroll. Unfortunately, in Dec 22, it was discovered NGB misplaced or lost his PV package which, resulted in him not meeting the CY22C PV board but instead he met the CY22F PV board.

These errors were due to no fault of his own. His Group Commander, Wing Commander, and the *Work-Product*/CC each recommended him for promotion and convened a FREB on 22 Apr 22. Therefore, he is requesting his DOR be corrected to reflect 22 Apr 22 and his effective DOR be corrected to align with the CY22B Secretary of Defense approved scroll date of 3 Oct 22.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is an ANG major (O-4).

On 10 Nov 22, according to Special Order Number *Work-Product* dated 10 Nov 22, he was extended Federal recognition and promoted to major with a DOR of 10 Nov 22, and a promotion effective date of 2 Jun 23.

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

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Controlled by: SAF/MRB
CUI Categories: SP-MIL/SP-PRVCY
Limited Dissemination Control: N/A
POC: <a href="mailto:SAF.MRBC.Workflow@us.af.mil">SAF.MRBC.Workflow@us.af.mil</a>

## **AIR FORCE EVALUATION**

NGB/A1PO, recommends partially granting the request. Based on the documentation provided by the applicant and analysis of the facts, there is evidence which support errors occurred due to no fault of the applicant. His PV promotion package was submitted on 27 Apr 22, for promotion, which was returned on 7 Jun 23, without action due to the state's FREB not meeting the requirement the board must have one board member who possesses the same competitive category as the applicant. On 8 Jun 22, he met another FREB and the package was submitted to NGB on 10 Jun 22. However, administrative errors prevented him from being placed on the CY22C scroll. Since the NGB Form 89-1, *Proceedings of a Federal Recognition Examining Board*, expired he was re-boarded for Federal Recognition on 10 Nov 22 and submitted for inclusion on the CY22F scroll where he was promoted to major with a DOR of 10 Nov 22 and an effective DOR of 2 Jun 23.

Had the original PV package been processed correctly, the applicant could have been placed on the CY22B scroll, but there is no way to validate promotion eligibility without a complete package including valid FREB results. However, they were able to confirm his eligibility for promotion for the CY22C PV board as the NGB Form 89-1 that was submitted was dated 8 Jun 22. Therefore, his DOR should be changed to reflect a DOR of 8 Jun 22 with an effective DOR to reflect 11 Jan 23.

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 2 Oct 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. While the applicant believes the evidence supports his contention that he should have been promoted on the CY22B scroll, the Board finds that without a valid NGB Form 89-1, they are unable to determine his eligibility and therefore are unable to grant his request to change his DOR to 22 Apr 22. However, the Board concurs with the rationale and recommendation of NGB/A1PO and finds that a preponderance of the evidence confirms his eligibility for promotion on the CY22C scroll. Therefore, the Board recommends correcting the applicant's record as indicated below.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

**RECOMMENDATION**

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show his date of rank to the grade of major (O-4) be corrected to reflect 8 Jun 22 with an effective date of rank of 11 Jan 23.

However, regarding the remainder of the applicant’s request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the 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-2023-02483 in Executive Session on 9 Jan 24:

- 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 1 Aug 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/A1PO, dated 18 Sep 23.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 2 Oct 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.

5/2/2024

X **Work-Product**  
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**Work-Product**  
Board Operations Manager, AFBCMR  
Signed by: **Work-Product**