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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2023-02588

COUNSEL: *Work-Product*

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Her date of rank (DOR) to the grade of senior airman (SrA/E-4) be changed from 26 Oct 22 to 24 Dec 21.

APPLICANT'S CONTENTIONS

Due to no fault of her own, her promotion was held up as her direct supervisor received unclear guidance for promotion requirements during the COVID-19 pandemic. She had been advised by her direct supervisor that in order to be promoted she had to receive the COVID-19 vaccination. However, she was pregnant at the time, so she elected to delay getting vaccinated. She was subsequently informed the only reason her promotion was delayed for an extended period of time was for not receiving the vaccine which has negatively impacted her career progression.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air National Guard (ANG) senior airman (SrA/E-4).

On 1 Jan 19, according to DD Form 4, *Enlistment/Reenlistment Document Armed Forces of the United States*, the applicant enlisted in the ANG in the grade of Airman First Class (E-3) with a corresponding DOR of 1 Jan 19.

On 12 Dec 19, according to AF Form 2096, *Classification/On-The-Job Training Action*, the applicant was awarded her 3-level skill level, 3P031.

On 26 Oct 22, according to Special Order *Work-Product* the applicant was promoted to SrA with an effective DOR of 26 Oct 22.

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

AIR FORCE EVALUATION

NGB/A1PP, recommends granting the applicant's request to change her DOR. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice as her promotion was held up in error due to no fault of the applicant. Her direct supervisor received unclear guidance for promotion during the COVID-19 pandemic and advised her that she would need to receive the vaccine in order to be promoted. However, consideration of whether or not an individual had received the COVID-19 vaccine is not a requirement for

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eligibility for promotion. Further, the applicant’s commander has concurred with her request to have her DOR changed from 26 Oct 22 to 24 Dec 21.

According to Department of the Air Force Instruction (DAFI) 36-2502, *Enlisted Airman Promotion and Demotion Programs*, dated 16 Apr 21, Table 10.1, *Eligibility Criteria for ANG Enlisted Promotions*, Rule 3, Promotion to E-4 (SrA) requires a 3-level Primary AF Specialty Code, Time-In-Service of at least 24 months (2 years), and Time-In-Grade of at least 12 months.

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. The Board concurs with the rationale and recommendation of NGB/A1PP 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 she was promoted to the grade of senior airman (SrA/E-4) effective and with a date of rank of 24 Dec 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-2023-02588 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 4 Aug 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/A1PP, dated 5 Sep 23.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 2 Oct 23.

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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.

5/3/2024

X **Work-Product**

Work-Product

Board Operations Manager, AFBCMR

Signed by: **Work-Product**