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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

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DOCKET NUMBER: BC-2023-02670

COUNSEL:

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HEARING REQUESTED: NO

### APPLICANT'S REQUEST

To retroactively change his rank to E-7.

### APPLICANT'S CONTENTIONS

His chain of command made a material error when he was retired before given the promotion he had been recommended for and deserved. He was consistently recommended for promotion for several years leading up to the twenty-year point in his career, and was denied the opportunity to promote, even though his evaluators consistently graded him as worthy of promotion. Furthermore, there are no negative documents nor adverse actions to indicate why he was not promoted. The only evidence available to show why he struggled to get promoted was an Enlisted Performance Report (EPR) that was removed from his records that hindered his ability to get promoted. Several leaders wrote letters asking for removal of the negative EPR because it was in fact, based on retribution from his original rater's connection to an OSI investigation regarding computer fraud. The negative EPR that was consequently removed, halted his career and a promotion was not given because of significant errors made in his chain of command and the overall promotion system. His records, including his performance reports and letters for retention indicate the Air Force erred in its ability to promote an airman that was vastly ahead of his peers due to his accomplishments, responsibilities, and recommendations. Only discretionary error explains the lack of his promotion and his forced retirement.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a retired Air Force technical sergeant (E-7).

On 28 Jun 96, according to AF Form 77, *Supplemental Evaluation*, the applicant's EPR from, the period of 9 Oct 93 thru 8 Oct 94 was removed By Order of The Chief of Staff, USAF.

On 7 Aug 97, according to a letter from HQ AFPC/DPPRSOB, the applicant's request for a 6 month extension to his High Year Of Tenure (HYT) was denied. The letter states that HYT extensions are reserved for hardship and mission critical reasons.

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Controlled by: SAE/MRB

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Limited Dissemination Control: N/A

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

On 23 Dec 97, according to a memo from the 70<sup>th</sup> Mission Support Squadron Commander, the applicant's request for extension of his HYT retirement date was disapproved. The letter states that the facts that this was his second request for this action and had already been disapproved by higher headquarters (AFPC), and the request does not include additional information to support a hardship situation, were also considered in the commander's decision.

On 28 Feb 98, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant retired from the Air Force. Block 28, *Narrative Reason for Separation*, reflects: Maximum Service or Time in Grade.

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

### **AIR FORCE EVALUATION**

AFPC/DPMSP (Enlisted Promotions) recommends denying the application. There's no official documentation located within the applicant's record nor provided that verifies the applicant should be promoted to E-7 before his discharge from the Air Force due to HYT. Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice. The applicant's separation from the Air Force on 28 Feb 1998, consequent to High Year Tenure (HYT). Notably, no official documentation substantiates the applicant's promotion to E7 before discharge. Therefore, based on the review conducted, the recommendation stands to deny the applicant's request, reaffirming the absence of error or injustice. Should the board elect to grant the request, applicant's request for retroactive promotion to E7 shall be updated. The complete advisory opinions are at Exhibits C and E.

### **APPLICANT'S REVIEW OF AIR FORCE EVALUATION**

The Board sent copies of the initial advisory opinion to the applicant on 12 Mar 24 (Exhibit D) and the revised advisory opinion on 18 Mar 24 for comment (Exhibit G). The applicant replied to the 12 Mar 24 advisory opinion on 17 Mar 24. In his response, the applicant provided copies of various letters of recommendation, award nomination write-ups, and a newspaper article to support his character.

The applicant's complete response is at Exhibit G.

### **FINDINGS AND CONCLUSION**

1. The application was not timely filed. The Board also notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Department of the Air Force Instruction 36-2603, Air Force Board for Correction of Military Records (AFBCMR).
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. We took notice of the applicant's complete submission in judging the merits of the case; however, we are not persuaded a material error and/or injustice exists. Therefore, we agree with the opinions and recommendations of the Air Force office of AFPC/DPMSP and adopt its rationale as the basis for our conclusion that the applicant has failed to provide evidence of his

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being promoted to the grade of Master Sergeant prior to his discharge. In view of the above, and in the absence of evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application. 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-2023-02670 in Executive Session on 19 Jul 24:

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Work-Product 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 21 Feb 23.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, AFPC/DPMSP, dated 1 Mar 24.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 12 Mar 24.

Exhibit E: Revised Advisory Opinion, AFPC/DPMSP, dated 13 Mar 24.

Exhibit F: Applicant's Response, w/atchs, dated 17 Mar 24.

Exhibit G: Notification of Advisory, SAF/MRBC to Applicant, dated 18 Mar 24.

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.

9/22/2025

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Associate Director, AFBCMR

Signed by: USAF

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