



Work... Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-02683

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His date of rank (DOR) to the grade of lieutenant colonel (O-5) be retroactively backdated from 1 Oct 19 to 19 Aug 19 in order for him to be eligible to meet the CY23 USAFR Colonel Promotion Board, Work-Product

APPLICANT'S CONTENTIONS

He was selected for promotion to lieutenant colonel in 2019 and he fulfilled all the requirements to qualify for an early promotion. His commander (senior rater) reviewed and authorized the accelerated promotion and submitted the request; however, as stated in his commander's letter to the Board of Corrections, there were many factors that resulted in his accelerated promotion request not being processed by the Work-... Fighter Group, to include, "getting back to normal" after experiencing Hurricane Michael, operating during COVID-19 protocols, and the shuttering of the group's Work-Product mission. He has been working with his former and current leadership and ARPC to address the issue, but have exhausted all options. Having his grade retroactively adjusted to reflect the correct date would facilitate his eligibility for the CY23 Colonel Promotion Board, and is critical in his new position at the Air Force Recruiting Service (AFRS).

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force Reserve lieutenant colonel (O-5).

On 1 Oct 19, according to Reserve Order Work-Product the applicant was promoted to the grade of lieutenant colonel with a DOR and effective date of 1 Oct 19.

On 26 Feb 22, according to Reserve Work-Product dated 10 Mar 22, the applicant was assigned to AFRS.

On 18 Dec 23, a printout from the Statistical Analysis and Retrievals System/Retrieval Applications Web (STARS/RAW) reflects the following:

- DOR and Effective DOR of 1 Oct 19.
- From 27 Feb 15 to 26 Feb 22, assigned to Work-Pro... Fighter Squadron as Work-Pro... Adversary Pilot.
- From 26 Feb 22 to present, assigned to Work-Product as IMA to the Commander.

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

APPLICABLE AUTHORITY/GUIDANCE

Air Force Instruction (AFI) 36-2504, *Officer Promotion, Continuation and Selective Early Removal in the Reserve of the Air Force*, dated 9 Jan 03 (certified current 22 Jan 10), paragraph 6.5. *Accelerated Promotion*. An officer, on a promotion list as a result of selection for promotion by a mandatory promotion board (I/APZ or active duty selection - 10 U.S.C. Chapter 36), may be promoted at any time to fill a vacant position. The commander will complete a letter requesting the accelerated promotion of a selected officer (see Attachment 5). The commander will send the letter to the officer's senior rater for endorsement. The senior rater will forward the completed letter to HQ ARPC/DPJA, who will verify eligibility and initiate the promotion order. The letter requesting accelerated promotion must contain a recommended DOR. This date can be no earlier than the public release date (if the officer is in the position at that time), or the date the officer is placed in the higher graded position (after public release date). The letter requesting the accelerated promotion of a selected officer must arrive at HQ ARPC/DPJA two business days before the proposed DOR. This allows publication of the order prior to the promotion.

AFI 36-2406, *Officer and Enlisted Evaluations Systems*, 14 Nov 19, Attachment 1, *Terms*, Senior Rater (Officer). The evaluator designated by the Management Level who completes the PRF and serves as reviewer on the OPR. Senior raters must be in a position to have personal knowledge or access to personal knowledge of the ratee's performance. They must also have the scope of responsibility and breadth of experience to assess performance and its significance as it relates to potential for promotion. The same senior rater normally evaluates all officers in an organization in a particular grade and promotion zone. For all majors and below, the senior rater must be at least a colonel (or equivalent) serving as a wing commander or equivalent. For all lieutenant colonels and colonels, the senior rater must be a general officer (or equivalent) and will be the first general officer in the rating chain AFPC/DP2SPE Active Duty List or AFRC/A1 (AFR unit) must approve exceptions.

AIR FORCE EVALUATION

ARPC/PB recommends denying the request to backdate the DOR. The applicant met and was selected for promotion to lieutenant colonel on the CY19 USAFR Lieutenant Colonel Promotion Selection Board, which convened 10 Jun 19. According to the release message, *ARPCM 19-21 CY19 USAFR Lieutenant Colonel Promotion Selection Board*, dated 7 Aug 19, paragraph 4a, the DOR and promotion effective date for officers selected from the mandatory board will be the date the officer completes the required time in grade of 7 years, public release date, or 1 Oct 19, whichever is later. ARPCM 19-21, paragraph 5, specifically address accelerated promotion requests "officers may receive an accelerated promotion if they satisfy all eligibility requirements in accordance with AFI 36-2504, paragraph 6.5, which states an Accelerated Promotion Request must be submitted to HQ ARPC/PBE via vPC on the myPers website. Requests must include the Senior Rater Identifier (SRID) and senior rater (SR) approval IAW the definition of SR in AFI 36-2406, *Officer and Enlisted Evaluation Systems*. "For additional submission guidance, please refer to the Accelerated Promotion Guide located on myPers." Paragraph 5 further notes, "The request for accelerated promotion must arrive at HQ ARPC/PBE two business days prior to the proposed DOR. If the SR signed the accelerated promotion request application after the requested accelerated DOR, the requested accelerated promotion and accelerated promotion effective date will automatically be adjusted to reflect the date of five duty days after the SR submits the application."

On ^{Work} Oct 19, the applicant was promoted to the grade of lieutenant colonel. Based on the applicant's supporting documentation, specifically text messages, dated 2 Oct 19, it appears an accelerated promotion request had not been submitted to ARPC prior to his promotion on 1 Oct 19. As such, the request to backdate promotion to an earlier date would not have been approved. In addition, the applicant has not provided sufficient information or documentation showing attempts were made to contact the ARPC, Selection Board Secretariat, and as such, they cannot determine if the commander, senior rater, or support staff made any attempts to contact this office. Furthermore, there is no evidence showing the senior rater supported, approved, or submitted the accelerated promotion request prior to his promotion, as evidenced by the Mar 23 email traffic between applicant's leadership and ARPC. Finally, the lack of follow up prior to and after the applicant was promoted indicates the ^{Work} Oct 19 promotion date was accepted by both the applicant and his leadership.

ARPC/PB notes it has been almost four years since the applicant was promoted. In accordance with AFI 36-2603, *Air Force Board for Correction of Military Records*, paragraph 3.5, *Meeting Time Limits*, applicants must file an application within three years after the error or injustice was discovered, or, with due diligence, should have been discovered. His application notes the first date of discovery of the injustice was 7 Mar 23; however, he should have been aware in 2019 that he was promoted to lieutenant colonel effective ^{Work} Oct 19 as his DOR and effective DOR is reflected in his personnel records. Therefore, there is no evidence of an injustice in this case.

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 19 Sep 23 for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed, but the timeliness requirement is being waived in the interest of justice.
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 Board notes the recommendation of ARPC/PB against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions. Specifically, the Board finds sufficient evidence that his command fully supported an accelerated promotion for the applicant; however, due to forces outside their control, to include; "clean up" operations following Hurricane Micheal, COVID-19 pandemic protocols, and the shuttering of the applicant's unit's mission, the wing failed to process the accelerated promotion properly and in a timely fashion. In this regard, the Board notes the letter signed by the applicant's wing commander, the AFNORTH/D-CFACC, and the AFRC/CC all concurring with the recommendation for accelerated promotion and attesting to the various issues that prevented proper processing of the request. 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

a. His Date of Rank and Effective Date of Rank to the grade of lieutenant colonel (O-5) be backdated to reflect 19 Aug 19.

b. He be considered for promotion to the grade of colonel (O-6) by a Special Selection Board for the CY23 Air Force Reserve (USAFR) Colonel Promotion Selection Board Work-Product

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-2023-02683 in Executive Session on 13 Feb 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 15 Aug 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, ARPC/PB, w/atchs, dated 13 Sep 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 19 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.

9/25/2024

X Work-Product

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