

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-02917

XXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Her letter to the promotion board in her Officer Selection Record (OSR) that met the CY23B P0523B Lieutenant Colonel (O-5) Line of the Air Force – Air Operations and Special Warfare (LAF-A) Central Selection Board (CSB) be replaced with an updated letter for review by a Special Selection Review Board (SSRB).

APPLICANT'S CONTENTIONS

She had derogatory information that was left out of her OSR that met the P0523 LAF-A CSB that stopped her selection for promotion and now requires additional promotion consideration by a SSRB. Because her OSR has been updated to include this derogatory information, she is requesting that she be allowed to replace a previous letter to the Board with the letter provided in her application.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force Major (O-4).

On 23 Jan 20, the applicant's commander issued her a Letter of Reprimand (LOR) for violating a lawful general order by wrongfully consuming alcohol in violation of United States Central Command (USCENTCOM) and United States Air Forces Central (USAFCENT) General Orders 1C.

On 28 Feb 23, the applicant met the CY23B P0523B Lieutenant Colonel (O-5) LAF-A CSB and was selected for promotion to lieutenant colonel; however, her OSR did not contain the 23 Jan 20 LOR and now requires additional consideration by an SSRB.

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

APPLICABLE AUTHORITY

DAFI 36-2501, *Officer Promotions and Selective Continuation*, Attachment 18, Special Selection Review Boards

A18.4. Information Meeting the Board. Only the following information is authorized to meet the board:

A18.4.1. The record and information concerning the officer furnished to the promotion special selection or federal recognition board that recommended the officer for promotion or federal recognition.

A18.4.2. Any credible information of an adverse nature on the officer, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry described in 10 USC § 615, Information furnished to selection boards, subparagraph (a)(3)(A), 10 USC § 14107, Information furnished by the Secretary concerned to promotion boards, subparagraph (a)(3)(A), DoDI 1320.04, Military Officer Action Requiring Presidential, Secretary of Defense, or Under Secretary of Defense for Personnel and Readiness Approval or Senate Confirmation, and Attachment 14, that was not furnished to the promotion, special selection, or federal recognition board.

A18.4.3. Letters submitted to the board by officers under consideration. Officers will be informed that they will meet a SSRB, and the Selection Board Secretariat, as appropriate, will ensure that the adverse information being provided to the board is made available to the officer(s). If the adverse information is not made available to the officer(s) due to the classification status of the information, the officer, to the maximum extent practicable, will be provided an appropriate summary of the information. The officers will be afforded a reasonable opportunity to submit written comments on the adverse information via a letter to the board. Specific instructions about how to submit a letter, as they apply to the SSRB, will be provided in the board convening notice.

AIR FORCE EVALUATION

AFPC Officer Promotions (AFPC/DPMSPP), recommends granting the application. The applicant met and was selected for promotion within the CY23B P0523B Lieutenant Colonel Col LAF-A CSB. Following her selection, it was discovered that her personnel files contained Adverse Information which was not made available to the board upon the original board convening date of 28 Feb 23. As a result, a SSRB convening on 30 Oct 23 has been directed by the Secretary of the Air Force (SecAF); however, the Board Secretariat must present the original (full) record to the board as it was presented within the applicant's P0523B LAF-A CSB.

As the Board Secretariat policy does not allow for the existence of two letter submissions within a members OSR, the applicant has initiated a case within the AFBCMR requesting that her original letter submission within her P0523B CSB be omitted from her records and replaced with her updated letter. In accordance with DAFI 36-2501, *Officer Promotions and Selective Continuation*, Attachment 18, paragraph A18.4.3, "officers are afforded reasonable opportunity to submit written comments on adverse information via a letter to the board," therefore, AFPC/DPMSPP recommends granting the applicant's request to replace her letter to the Board.

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 20 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 AFPC/DPMSPP and finds a preponderance of the evidence substantiates the applicant's contentions. The Board

notes, that the applicant's derogatory information was not included in the applicant's OSR until after the promotion board convened and she must now be reconsidered for promotion by an SSRB based on the original OSR on record. However, given that the derogatory information was not added until after she submitted her letter for consideration, the Board finds it fitting to allow the applicant to properly respond to the adverse information that is now included in her OSR. As such, the applicant should be afforded the opportunity to replace her previous letter to the promotion board with a letter that she deems appropriate and in accordance with the instruction in DAFI 36-2501. 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 that:

a. The letter to the promotion board in her Officer Selection Record (OSR) that met the CY23B P0523B Lieutenant Colonel (O-5) Line of the Air Force – Air Operations and Special Warfare (LAF-A) Central Selection Board (CSB) be removed.

b. She be allowed to submit an updated letter to the promotion board in accordance with the Department of the Air Force Instruction (DAFI) 36-2501, *Officer Promotions and Selective Continuation*, and it be included for review by the CY23B P0523B Special Selection Review Board (SSRB).

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-2023-02917 in Executive Session on 23 Oct 23:

- , Panel Chair
- , Panel Member
- , Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 5 Sep 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DPMSSP, w/atchs, dated 19 Oct 23.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 20 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.