



CUI//SP-MIL/SP-PRVCY

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-03175

Work-Product

COUNSEL: *Work-Product*

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Her date of rank (DOR) and effective DOR (EFF DOR) be backdated to reflect 4 Jun 21 and 24 Nov 21, respectively, with entitlement to all backpay and benefits.

APPLICANT'S CONTENTIONS

She was promoted by the CY21 Promotion Vacancy (PV) Board. However, on 23 Jul 21, she was removed from the promotion list upon notification an Inspector General (IG) complaint had been filed against her. On 23 May 22, the case was officially closed and all of the allegations were found to be unsubstantiated. She was nominated for promotion again for the CY22C Promotion Vacancy Board and was subsequently promoted with a DOR of 16 Jun 22 and an EFF DOR of 11 Jan 23. The case took 850 days to close, far beyond the 150-day timeframe prescribed by AFI 90-301, *Inspector General Complaints Resolution*, Table 3.1, and had the case been closed in a satisfactory timeframe, she would have been promoted with a DOR of 4 Jun 21 and an EFF DOR of 24 Nov 21.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air National Guard lieutenant colonel (O-5).

On 8 Mar 20, according to an email, *Notification of IG Complaint Filing*, provided by the applicant, she was notified by a subordinate they had filed an IG complaint against her and another squadron senior member regarding management and other concerns.

On 4 Jun 21, according to NGB 89-1, *Proceedings of a Federal Recognitions Examining Board*, provided by the applicant, she was recommended for promotion and Federal Recognition to the grade of O-5.

On 15 Feb 22, according to the *Report of Investigation/Appointing Authority ROI Addendum*, dated 8 Feb 22, based on the preponderance of the evidence and supporting documentation, DAF/IGQ concurred with the ROI's and Approving Authority's **NOT SUBSTANTIATED FINDINGS**. In addition, the DAF/JAJI legal advisor for DAF/IGQ found it legally sufficient.

On 23 May 22, according to a *Results of IG Investigation – FRNO <redacted>*, memorandum provided by the applicant, she was informed the IG investigation found the allegations against her as Not Substantiated.

Controlled by: SAF/MRB
CUI Categories: SP-MIL/SP-PRVCY
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

**AFBCMR Docket Number BC-2023-03175
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On 16 Jun 22, according to Special Order Number Work-Product she was promoted in the Reserve of the Air Force to the grade of lieutenant colonel and extended Federal recognition with a DOR of 16 Jun 21 with an EFF DOR of 11 Jan 23.

On 8 Aug 23, according to a memorandum for record, *Timeliness of Inspector General Case #FRNO <redacted>*, provided by the applicant, the [State] National Guard Inspector General, states the investigation was opened on 19 Mar 20 and due to multiple delays throughout the Complaint Resolution process finally reached closure on 26 Jul 22, five times longer than the timeline published in AFI 90-301, and had the investigation followed the time estimates, it could have been closed around Sep 20, allowing ample time for the applicant to be considered for promotion during the 4 Jun 21 promotion board.

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

AIR FORCE EVALUATION

NGB/AIPO recommends granting the request. Based on a review of the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. Had the applicant's PV promotion not been delayed due to the open investigation, which resulted in unsubstantiated findings, she would have been promoted, after SECDEF approval of the CY21 (2nd Quarter) PV scroll, to lieutenant colonel with a DOR of 4 Jun 21 and an EFF DOR of 24 Nov 21.

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 6 Nov 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/AIPO 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 lieutenant colonel and extended Federal recognition with a Date of Rank of 4 Jun 21 and an Effective Date of Rank of 24 Nov 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-2023-03175 in Executive Session on 23 Apr 24:

Work-Product [redacted] Panel Chair
Work-Product [redacted] Panel Member
Work-Product [redacted] Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 26 Sep 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/A1PO, dated 27 Oct 23.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 6 Nov 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.

5/3/2024

X *Work-Product* [redacted]

Work-Product [redacted]
Board Operations Manager, AFBCMR
Signed by: *Work-Product* [redacted]