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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00011

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

### APPLICANT'S REQUEST

Her promotion to colonel (O-6) be reverted back to lieutenant colonel (O-5) and she be allowed to continue serving in the active Reserve versus being reassigned to the Inactive Ready Reserve (IRR).

### APPLICANT'S CONTENTIONS

She excelled in her career and was selected for promotion to O-6, but was unable to stop her promotion prior to her Promotion Effective Date (PED) and is now facing an involuntary discharge. She has done everything within her power to delay her promotion by submitting an AF Form 3988, *Application for Voluntary Delay, Acceptance, or Declination of Promotion*; however, the form was not routed nor submitted prior to her promotion order being processed. According to AFI 36-2504, *Officer Promotion, Continuation, and Selective Early Removal in the Reserve of the Air Force*, paragraph 6.7.2., because she was unable to stop her promotion to O-6, and has been unable to secure an O-6 billet, she will be transferred to the Ready Reserve beginning 31 Dec 23. She has served honorably for over 17 years (active duty for 12 years and Reserve for 5.5 years). She has exceeded standards in performance, fitness and integrity and has done nothing to warrant an involuntary separation. As it stands, she will lose the dignity of a retirement and all retirement benefits, which she believes is devastating and feels like a grave injustice.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is an Air Force Reserve colonel (O-6).

On 23 Jan 23, ARPCM 23-03, *Release Instructions – CY 22 Air Force Reserve Line and Nonline Colonel Promotion Selection Boards – V0622A, W0622A*, was published and shows the applicant was selected by the CY22 Air Force Reserve Line and Nonline Colonel Mandatory Promotion Select List. According to the release instructions officers may apply for a voluntary delay of promotion; however, the delay request must arrive at HQ ARPC/PBE at least 30 days before the PED by using the AF FM 3988.

On 1 Jul 23, according to Reserve Order Work-Product, dated 15 Jun 23, the applicant was promoted to the grade of O-6.

On 2 Jan 24, according to a Report on Individual Personnel, the applicant was transferred to the Inactive Reserve.

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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**

### ***AFI 36-2504, Officer Promotion, Continuation, and Selective Early Removal in the Reserve of the Air Force,***

8.2. Making Application for Delay. An officer must apply for voluntary delay of promotion before a delay may be approved. The application must be approved through the appropriate channels before the DOR. Officers apply by submitting AF Form 3988, *Application for Voluntary Delay, Acceptance, or Declination of Promotion* (in three copies) to unit commanders. All applications must arrive at HQ ARPC/DPJ at least 30 days before DOR (or within 15 days of public release of the results, if DOR is on public release).

8.3. Consequences of an Approval of a Delay in Promotion. If approved, the officer's name remains on the promotion list during the authorized period of delay (unless removed under another provision of law). At the end of the delay period, or at any time during the delay, the officer may accept the promotion. If the officer wants to accept the promotion before the end of the delay period, an AF Form 3988 indicating acceptance must arrive as stated below, within 5 days of acceptance of the promotion. The effective date is the date the officer accepts the voluntarily delayed promotion (Table 5.2., Rule 10).

8.5. Length of Delay. An officer may request a voluntary delay, in 1-year increments, for up to 3 years from the officer's original DOR. The appropriate approval authority may approve a period of delay less than the 1 year requested. If granted less than a 1-year delay, the applicant must reapply if a longer delay is needed. Each 1-year delay requires a separate application and approval. Application must include immediate commander's plan to utilize the officer in a future higher graded position(s).

8.6. End of Delay Period. At the end of the delay period, the officer must either accept or decline the promotion. The promotion will automatically occur at the end of the approved delay period if the officer takes no action.

### **DAFI 36-2110, Total Force Assignments**

#### **9.7.10. Promotions to colonel.**

9.7.10.1. A lieutenant colonel promoted to the grade of colonel who is not assigned against a colonel position may voluntarily delay promotion in accordance with DAFI 36-2501, *Officer Promotions and Selective Continuation*. If the member does not voluntarily delay promotion, the unit applies overage code "M" and projects the officer for reassignment to the IRR with an effective date of change of strength accountability established as the promotion effective date plus 6 months.

9.7.10.2. If a vacant position is not located prior to the established execution date, the unit will reassign the member to the IRR in a surplus status (see Table 12.3, rules 14 and 15). This also applies to a colonel who has been replaced or a colonel who is no longer qualified for their position due to a manpower change of position or when their assigned position has been deleted, per paragraph 9.7.14.

## **AIR FORCE EVALUATION**

ARPC/PB recommends denying the application. The applicant met the calendar year 2022 United States Air Force Reserve colonel promotion selection board (V0622A), dated 23 Jan 23, was selected for promotion and was given a projected promotion date of 1 Jul 23. Per the guidance published in the V0622A release message, in paragraph 8, officers are allowed to voluntarily delay their promotion, but the request must arrive at HQ ARPC/PBE at least 30 days before the PED. In addition, the promotion increment release message provides additional guidance on how to submit delays as the systems being used had changed. ARPC Selection Board Secretariat was directed to start using myVector when myPers was deactivated. On 20 Jun 23, ARPC/PB received a myVector application from the applicant requesting her promotion request be delayed; however, since the applicant's projected promotion was 1 Jul 23 the promotion actions had already occurred. Per the policy within ARPC Selection Board Secretariat, once orders are processed and mailed, promotions cannot be reverted. As such, the Director of the Selection Board Secretariat commented on the myVector case on or about 29 Jun 23 stating "Orders are cut. Orders have been processed. Member is a colonel." Therefore, the applicant's request to revert the promotion from colonel back to lieutenant colonel should be denied. The applicant failed to follow the guidance and timelines published. Moreover, if there were issues routing the promotion delay request, the applicant or their leadership should have contacted ARPC in a timely manner, but no contact was received until 20 Jun 23.

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 Aug 24 for comment (Exhibit D), and the applicant replied on 9 Aug 24. In her response, the applicant addresses the two reasons cited by ARPC/PB to deny her request.

The first reason listed by ARPC/PB was that she failed to follow the guidance and timelines published. As stated clearly in the guidance, bolded and highlighted, "Requests cannot be approved and/or submitted prior to Senate confirmation. Requests approved and/or received prior to Senate confirmation will be returned without action." As such, she followed the guidance provided to monitor the status and date of the Senate confirmation through myPers. However, without notice the guidance had moved to myFSS and after reaching out to several offices, she was finally given a link and it was apparent that the information was not easily accessible via the myFSS search function. In this regard, she does not feel that she should be held accountable to follow guidance that was not "published" anywhere to her knowledge.

Furthermore, the primary reason her AF IMT 3988 form was submitted late, was the delay in routing the form to her active duty senior rater (SR). This was again due to inconsistent guidance from ARPC and her detachment. Her detachment did not know, or follow, the guidance provided to coordinate the voluntary delay with the member's SR. On 22 May 23, the form was eventually submitted to her active duty unit, but despite her efforts to expedite the process, the Medical Group (MDG) secretary delayed the process and informed her supervisor that she would not route the form without justification of why the form was submitted 60 days late, how many positions she had applied for, the rate of acceptance, etc. She does not understand why the secretary delayed the process, but the MDG/CC acknowledged the error and stated it was not intentional or standard procedure. In addition, she was not contacted by anyone in her active duty chain of command above her supervisor until 23 Jun 24.

The applicant goes on to address the second reason listed by ARPC, which was that she or her leadership should have contacted ARPC in a timely manner if there were issues with the promotion

delay request. The applicant indicate that this rationale is unfounded. She contacted ARPC through their official website before 14 Jun 23 raising concerns about the AF IMT 3888 form, but received no confirmation of receipt or response. Additionally, the designated phone number was found disconnected. Eventually she found a working number and was told that she could not speak to anyone, but that the Airman could put in a ticket for her and a response would take two weeks or more.

The applicant summarizes by stating that there were many decisions and actions made by many people during this process that were not compliant with “the guidance and timelines published,” but she is the only one in significant danger of losing her 18-year career and the retirement she has worked toward. She believes the system failed her. 1) She should have been notified of the change of location to find the Senate confirmation date that would then signal her to file the form. 2) She should have been able to ask questions or get clarifying information from AFPC. She made multiple attempts and could not speak to anyone, and no one responded to her inquiries made through the official website. 3) Her detachment should have been made aware of their role in coordinating and routing the form to her senior rater and complied with this guidance. 4) Her active unit should have been provided some official information from ARPC on this process to avoid the confusion that delayed the routing of her promotion delay request form.

The applicant’s complete response is at Exhibit E.

## **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. 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. In this regard, after the applicant was notified of her selection, she applied for several O-6 positions far in advance of her PED, but was unable to obtain a position. In addition, the Board recognizes the Air Force was transitioning personnel management systems from myPers to myFSS and the information regarding senate confirmation and her impending PED date were not easily found. As such, it appears that as soon as the applicant discovered her PED date, she immediately took the actions necessary to submit her AF IMT 3988 requesting a voluntary delay of her promotion to O-6. However, due to the change of command within her unit and other various administrative delays outside of the applicant’s control, her form was not submitted 30 days prior to the PED. In this regard, the Board notes the letters of support from her group commander that support her request and state that the applicant acted with due diligence, but due to factors outside of her control her form was not submitted on time. Given that the applicant must be a superior performer as evidenced by her selection to O-6, the letters of support and her attempts to secure an O-6 position, we find it unreasonable not to allow the applicant the opportunity to voluntarily delay her promotion while she continues to search for a position she can fill as an O-6. Furthermore, the Board recognizes that due to the passage of time, the applicant will need to delay her promotion for at least two years. Therefore, the Board recommends correcting the applicant’s records 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:

- a) On 17 April 2023, the applicant timely submitted the AF IMT 3988, *Application for Voluntary Delay, Acceptance, or Declination of Promotion*, to voluntarily delay her promotion to colonel (O-6) for two years with a current expiration date of 1 July 2025. On 1 June 2023, the delay request was approved by the approval authority.
- b) She be reinstated to her selected Reserve position with her original date of rank and promotion effective date for lieutenant colonel (O-5).

### **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-2024-00011 in Executive Session on 10 Sept 24:

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 10 Dec 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, ARPC/PB, w/atchs, dated 28 May 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 2 Aug 24.
- Exhibit E: Applicant's Response, w/atchs, dated 19 Aug 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.

2/6/2025

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