



Work-Product

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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00095

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

His AF Form 475, *Education/Training Report* for the period of 17 Nov 19 – 11 Dec 20, be removed from his records.

### APPLICANT'S CONTENTIONS

The Training Report (TR) does not comply with AFI 36-2406, *Officer and Enlisted Evaluations Systems* paragraph 1.10.2, Vague Comments; do not make vague comments about a member's behavior or performance. While the comments made in the TR are not believed to be derogatory, per his most recent Evaluation Reports Appeal Board (ERAB) decision, the comments remain vague in nature and will continue to instill doubt and uncertainty in his record. Further, his supervisor at the time of the report, has provided a signed memorandum requesting the report be removed as it was "incorrectly documented due to a vague and over generalized statement."

He believes this TR dropped his Board Order of Merit for his major promotion significantly and will continue to have negative impacts as he competes for school, promotions, and command opportunities in the future. He is a good officer and wants his records to reflect the same.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

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

On 20 Jan 21, according to the applicant's AF Form 475, signed 20 Jan 21, for the period of 17 Nov 19 – 11 Dec 20, Section II, *Report Data*, Block 4, *DG Award Criteria/Course Noncomplete Reason*, reflects the following: "Member was removed from Special Tactics Officer pipeline for disciplinary reasons."

On 8 Jun 23, according to the Air Force Personnel Center, *Application for Correction/Removal of Evaluation Report*, printout, dated 8 Nov 23, provided by applicant, reflects his ERAB application is closed and being Returned Without Action (RWOA) for the following reason: The case lacked documentation or substantiating evidence.

On 7 Dec 23, according to the Air Force Personnel Center, *Application for Correction/Removal of Evaluation Report*, printout, dated the same date, provided by applicant, reflects his ERAB application was denied. The board, was not convinced there was an error or injustice. The board noted the AF Form 475 does not contain any derogatory comments and therefore was not required

AFBCMR Docket Number BC-2024-00095

Work-Product

Work-Product

to be referred to the member. Additionally, the board noted while it appears the applicant was removed from the training course for disciplinary reasons, no derogatory comments were annotated.

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

## APPLICABLE AUTHORITY/GUIDANCE

Department of the Air Force Instruction (DAFI) 36-2406, *Officer and Enlisted Evaluations Systems*, 14 Nov 19:

1.10. *Referral Evaluations*; 1.10.2.1. *Vague Comments*. Do not make vague comments about the member's behavior or performance. 1.10.2.2. Any evaluator whose ratings or comments causes an evaluation to become a referral evaluation must give the ratee the opportunity to comment on the evaluation.

1.10.6.4. Referral Training Report (TR) (AF Form 475). Refer the TR to the ratee using the same procedures outlined in paragraphs 1.10.6.1 and 1.10.6.2. Name the commander of the Department of the Air Force school or unit of assignment as the next evaluator (determined by which organization is preparing the TR). The evaluator reviews the ratee's comments, if provided; adds the applicable mandatory comments in accordance with paragraphs 1.10.5.3.2.2.1 or 1.10.5.3.2.2.2; and endorses the TR on an DAF Form 77 using the first evaluator's block.

6.1. When to Use Training Reports (TR). 6.1.1. Submissions are mandatory. 6.1.1.1. Upon completion or interruption of, or elimination from formal training or education when the scheduled course length is eight weeks or more or as authorized in this chapter when the specific course is less than eight weeks (Chaplain or Medical Programs, Squadron Officer School, and Commissioned Officer Training. Air Force Reserve (AFR) Air Reserve Technicians (ART) and Air National Guard (ANG) Military Technicians attending formal training or education in civilian status receive a TR and credit in the civilian evaluation system. **Note:** All training of 20 weeks or more will be updated in MilPDS and restart the next evaluation inclusive dates.

Table 6.1. Instructions for Completing AF Form 475, *Training Report* (Officers Only).

SECTION II. Report Data		
ITEM	A	B
	Evaluation Report Data	Complete only the applicable items in this section; leave non-applicable items blank.
4	DG Award Criteria/Course Non-completion Reason	Enter DG Award Criteria or Course Non-completion Reason. For a student designated as a DG in item 3, provide the criteria ( <b>Example:</b> Top 10 percent of class or grade point average above 3.5) (see <b>Note 6.</b> )

### Notes:

6. If the student has failed to complete the course of training, use one of the following phrases and indicate whether the elimination was due to factors over which the student did or did not have control (if derogatory comments are used, the TR must be referred):

- a. Withdrawn without prejudice for the needs of the Air Force or Space Force (only used for those in training for 10 duty days (or more) and training was interrupted or the officer was eliminated due to no fault of their own).
- b. Withdrawn for humanitarian reasons (only used for those in training for 10 duty days (or more) and training was interrupted or the officer was eliminated due to no fault of their own).
- c. Eliminated for academic deficiency.
- d. Eliminated for flying deficiency.
- e. Eliminated for physical reasons.
- f. Eliminated for fear of flying.
- g. Eliminated for manifestation of apprehension.
- h. Eliminated for instructor non-adaptability.
- i. Eliminated for skill or aptitude deficiency.
- j. Voluntary self-elimination.
- k. Physical fitness failure.
- l. Thesis or dissertation not completed during AFIT tour.
- m. If none of the above reasons apply, state the reason. To explain further, also enter "See Comments," and explain in the appropriate comment section.

## AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the applicant's request to remove the subject training report from his official military records. Although the applicant may have been removed from the course for disciplinary actions, no derogatory comments were annotated on the training report. The applicant did file an appeal through the ERAB under the provisions of AFI 36-2406, Chapter 10; however, the ERAB was not convinced there was an error or injustice and denied his request for relief. His commander's memorandum, provided by the applicant, stated the training report was incorrectly documented when it was processed on 20 Jan 21; however, his commander does not deny the disciplinary reason for noncompletion of the course, only that he did not afford the applicant an opportunity to refute the training report comment in Section II, Block 4, regarding the applicant's removal from the course. Since the commander, the evaluator, is not denying the disciplinary reason for removal, he could instead correct/reaccomplish the training report by providing a derogatory comment in Section III, *Comments*, thus allowing the applicant to provide a rebuttal in accordance with AFI 36-2406, paragraph 1.10.6.2. This would allow the applicant to submit a request to the ERAB to substitute the corrected training report in place of the original.

Once a report is accepted for file, only strong evidence to the contrary warrant correction or removal from an individual's records. The burden of proof is on the applicant and he has not substantiated the contested training report was not rendered in good faith by all evaluators based on the knowledge at the time. The applicant has not provided substantiating documentation or evidence to prove the training report was rendered unfairly or unjustly. Air Force policy is that an evaluation report is accurate as written when it becomes a matter of record. Additionally, it is considered to represent the rating chain's best judgement at the time it is rendered. It is determined that the training report was accomplished in direct accordance with all applicable Air Force policies and procedures.

Therefore, based on insufficient corroborating evidence and the presumed legitimacy of the original crafting of the report, the training report should not be voided from his records. To void this report would remove accountability of the applicant for his actions.

The complete advisory opinion is at Exhibit C.

## APPLICANT'S REVIEW OF AIR FORCE EVALUATION

**AFBCMR Docket Number BC-2024-00095**

The Board sent a copy of the advisory opinion to the applicant on 4 Mar 24 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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DP3SP and finds a preponderance of the evidence does not substantiate the applicant's contentions. The applicant has not provided sufficient evidence to prove the training report was rendered unfairly or unjustly. Therefore, the Board recommends against correcting the record.

## 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-2024-00095 in Executive Session on 13 Aug 24:

Work-Product Panel Chair  
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 Dec 23 .
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 28 Feb 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 4 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.

12/23/2024

X

Work-Product

Work-Product

Board Operations Manager, AFBCMR

Signed by:

Work-Product

**AFBCMR Docket Number BC-2024-00095**

Work-Product