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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00930

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His referral Enlisted Performance Report (EPR) for the period 1 October 2020 through 30 September 2021 be removed from his record and replaced with a reaccomplished report.

APPLICANT'S CONTENTIONS

The referral report was due to a driving under the influence (DUI) charge. After further investigation, his case was dismissed by the court. The DUI charge was removed, and his group commander rescinded the referral EPR, and the LOR issued to him in September 2021.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air Force Reserve (AFR) master sergeant (E-7).

According to the Retrieval Applications Web (RAW), the applicant's date of rank (DOR) and effective date to master sergeant reflects 1 March 2016 and his date initial entry Reserve forces reflects 16 July 2020.

AF Form 911, *Enlisted Performance Report (MSgt thru SMSgt)*, (Referral Report) rendered for the period 1 October 2020 through 30 September 2021, Section III, *Performance In Leadership/Primary Duties/Followership/Training*, 1. *Mission Accomplishment* reflects "Exceed most, if not all expectations;" Section IV, *Whole Airman Concept* reflects "Exceeded some, but not all expectations;" Section VII, *Additional Rater's Comments* reflect "Exercised poor judgment; received letter of reprimand in regards to an arrest for DUI on 31 Aug 2021."

The Evaluation Reports Appeals Board (ERAB) considered and denied the applicant's request to remove the referral EPR for the period 1 October 2020 through 30 September 2021 from his record and replace it with a reaccomplished report. There was no explanation of the denial provided in the myPers Evaluation Appeal Notification email.

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

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

POC: SAF.MRBC.Workflow@us.af.mil

AIR FORCE EVALUATION

ARPC/DPTSP recommends granting the application. Based on the documentation provided by the applicant and analysis of the facts, the revised EPR is admissible. We oppose the ERAB's original denial request.

The applicant was arrested on a DUI charge on 1 September 2021. As a result, he received a referral EPR for the period 1 October 2020 through 30 September 2021 which referenced an LOR received for the DUI. Evidence was provided showing blood alcohol level was within the legal limit. On 10 May 2022, the charge was changed from "DUI - Alcohol Less Safe" to "Reckless Driving" by a civilian court. There is no documentation of an LOR in the applicant's military record. The applicant received a revised EPR re-signed by his original rating chain. A case was submitted to ARPC as an ERAB in February 2023 to remove the original EPR from his record and replace with the revised version. The Board denied his request.

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 June 2024 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 ARPC/DPTSP and finds a preponderance of the evidence substantiates the applicant's contentions. The Board notes the applicant received a referral EPR for 1 October 2020 through 30 September 2021, which referenced an LOR received for a DUI received on 1 September 2021. On 10 May 2022, the DUI charge was changed to reckless driving and the LOR was rescinded. Subsequently, the LOR was rescinded and no longer a part of the applicant's record; therefore, the Board believes the referral EPR should be replaced with a reaccomplished report. 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 the Enlisted Performance Report (EPR) for the period 1 October 2020 through 30 September 2021 be removed from his record and replaced with a reaccomplished report for the same period.

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-2024-00930 in Executive Session on 10 September 2024:

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, Panel Chair

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, Panel Member

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Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 12 March 2024.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory opinion, ARPC/DPTSP, dated 17 June 2024.

Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 20 June 2024.

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.

3/6/2025

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Board Operations Manager, AFBCMR

Signed by:

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