



Attorney-Client

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2024-01297

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Her referral Enlisted Performance Report (EPR) for the period of 23 Mar 22 through 23 Mar 22 be voided.

APPLICANT'S CONTENTIONS

Her referral EPR, dated 23 Mar 22, was signed on 23 Feb 24 and placed in her records in Mar 24. However, per Air Force Instruction (AFI) AFI 36-2406, *Officer and Enlisted Evaluation System*, paragraph 1.14, *Missing, Late and Removed Performance Evaluations*, "Do not re-accomplish evaluations more than 18 months past the close-out date", it should have never been placed in her records. As such, it should be removed. Further, she applied to the Evaluation Review Appeals Board (ERAB), who denied her request to void the report without reviewing her case.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force technical sergeant (E-6).

On 30 Jan 24, according to memorandum, *Referral Enlisted Report*, she was notified by the Maintenance Group (MXG) Senior Enlisted Leader (SEL) that her EPR is being referred because it contains negative comment/derogatory information; specifically, "Found guilty of driving under the influence charge off installation, reduce to rank of TSgt, received LOR." On that same date, she acknowledged receipt.

On 31 Jan 24, the applicant provided a response.

On 23 Feb 24, according to DAF Form 910, *Enlisted Performance Report (AB/Spcl thru TSgt)*, her group commander signed the Directed by Commander report for the period of 23 Mar 22 thru 23 Mar 22. Section III, *Performance in Primary Duties/Training Requirements*, Section IV, *Followership/Leadership*, Section V, *Whole Airman/Guardian Concept*, and Section VI, *Overall Performance Assessment*, reflects the rating of "Met some but not all expectations." In addition, Section V, contains the comment "Found guilty of driving under the influence charge off installation, reduce to rank of TSgt, Received LOR." Section VIII, *Additional Rater's Comments*, reflects the additional rater concurred and contains the statement "I have carefully considered <applicant's> comments to the referral document of 30 Jan 24.

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Controlled by: SAE/MRB
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Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

On 5 Aug 24, according to email, *Return of Evaluation Appeal Application*, provided by applicant, the ERAB denied the applicant's request to void the report.

On 12 May 25, according to the *ARMS Web Applications* screenshot, DAF Form 910, dated 23 Mar 22, reflects a Commit Date of 21 Apr 25.

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

APPLICABLE AUTHORITY/GUIDANCE

Air Force Instruction (AFI) 36-2406, *Officer and Enlisted Promotion Systems*, paragraph 1.4.3, *When an Evaluation Becomes a Matter of Record*, states an evaluation is considered complete when all applicable signature elements are signed or completed. Completed evaluations become a matter of record once they are uploaded into Automated Records Management System/Personnel Records Display Application (ARMS/PRDA). Evaluations transmitted to the Air Force Personnel Center (AFPC) or the Air Reserve Personnel Center (ARPC) are presumed to be complete yet will undergo a final review before processing into ARMS/PRSDA. Correction requests made after an evaluation becomes a matter of record must be submitted through the Evaluation Reports Appeal Board.

1.14. Missing, Late and Removed Performance Evaluations. When an evaluation is missing and all attempts to locate are exhausted and unsuccessful, consider re-accomplishing the report. However, before doing so, evaluators should consider such things as: how long it has been since the report closed out; are all the evaluators readily available; is there a draft of the original still available; does the ratee or any of the evaluators have a copy of the original report; can the evaluators now give a fair and accurate report based on the timeframe? (See **Table 1.2**). **Note:** Do not re-accomplish evaluations more than 18 months past the closeout date.

1.10.3. When to Refer a Performance Evaluation. Performance evaluations must be referred when:
1.10.3.1. Comments in any OPR, EPR, LOE, or TR (to include attachments), regardless of the ratings, that are derogatory in nature, imply or refer to behavior incompatible with or not meeting AF standards, and/or refer to disciplinary actions. **(T-1)**. When considering the Airman's ability to meet standards, consider unacceptable performance as actions that are incompatible with, and/or Airmen who have *routinely* (a repeated inability to meet standards that would render the aggregated performance assessment over the entire reporting period as below AF standards and expectations) and/or *significantly* (a single instance where failure to meet standards is either egregious in nature or so far short of a standard that it impacts overall aggregated performance assessment) failed to adhere to established AF standards and expectations.

10.2.1.3. Evaluations that have become a matter of record are presumed to be accurate and objective. Applicants filing an appeal must provide evidence that clearly demonstrate an error or injustice was made.

AIR FORCE EVALUATION

AFPC/DPMSPE recommends denying the request to remove the contested report. The applicant contends that her EPR, for the period of 23 Mar 22, was in violation of AFI 26-2406, paragraph 1.14, in regard to the note "Do not re-accomplish evaluations more than 18 months past the close-out date." However, the EPR in question was not missing, but was returned for corrections multiple times by the applicant's servicing military personnel flight to ensure compliance with AFI

36-2406. In addition, she claims under legal advisement the EPR should not have been placed in her official record; however, there is no source documentation proving this claim. Furthermore, in accordance with AFI 36-2406, paragraph 1.14.2. If the report is located, forward the original evaluation to AFPC Evaluation Support Section (AFPC/DPTSP for file in ARMS/PRDA.

AFI 36-2406, paragraph 1.12.4.1.4, states: “When derogatory is determined that such conduct is appropriate for comment, refer to the underlying performance, behavior or misconduct itself and not merely to the fact that the conduct may have resulted in a punitive or administrative action taken against the member (such as letter of reprimand, Article 15, court-martial conviction).” The applicant received a referral report for receiving a Letter of Reprimand (LOR) for driving under the influence and reduction in rank to technical sergeant. The rating chain appropriately chose to comment and document on the underlying wrongdoing, which caused the report to be referred to the applicant for comments and consideration to the next evaluator. She provided insufficient evidence within her case to show that the referral comment on the EPR was inaccurate or unjust; therefore, the inclusion of the referral comment was appropriate and within the evaluator’s authority to document, given the incident. Moreover, a final review of the contested evaluation was accomplished by the additional rater and a subsequent agreement by the reviewer/commander served as a final “check and balance” in order to ensure that the report was given fair consideration.

In summary, the applicant has not provided substantiating documentation or evidence to prove the final EPR 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. To effectively challenge an evaluation, it is necessary to hear from all the members of the rating chain—not only for support but also for clarification/explanation. Statements from the evaluators during the contested period are conspicuously absent. She has failed to provide this necessary information/support from any rating official on the contested EPR. Without the benefit of these statements, they can only conclude that the EPR is accurate as written. Thus, it is determined that the EPR was accomplished in direct accordance with all applicable Air Force policies and procedures. They contend that once a report is accepted for file, only strong evidence to the contrary warrant’s correction or removal from an individuals record. The burden of proof is on the applicant and the applicant has not substantiated that the contested EPR was not rendered in good faith by all evaluators based on the knowledge available at the time.

Therefore, based on insufficient corroborating evidence provided by the applicant and the presumed legitimacy of the EPR, the report should not be voided from the applicant’s permanent record. To void this report would remove the accountability of the applicant for the offense.

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 13 Sep 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.

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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/DPMSPE and finds a preponderance of the evidence does not substantiate the applicant's contentions. Although the applicant contends that the report was missing and fell outside the 18-month window to be re-accomplished and thus should be voided, the Board disagrees. The Board determines the applicant provided insufficient evidence that the report was missing or processed incorrectly as required by the governing directive, Air Force Instruction 36-2406, *Officer and Enlisted Evaluation Systems*. Therefore, the Board recommends against correcting the applicant's 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-2024-01297 in Executive Session on 18 Jun 25:

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 4 Apr 24.

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

Exhibit C: Advisory Opinion, AFPC/DPMSPE, dated 9 Sep 24.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 13 Sep 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.

9/12/2025

X

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Board Operations Manager, AFBCMR

Signed by: USAF

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