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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01374

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

His AF Form 911, *Enlisted Performance Report (MSgt thru SMSgt)*, Section III, *Performance in Leadership/Primary Duties/Followership/Training* for period 1 Oct 20 – 31 Jul 21, with the rating “Exceeded some, but not all expectations,” be replaced by a signed EPR for the same rating period, with the rating “Exceeded most, if not all expectations.”

### APPLICANT'S CONTENTIONS

His 31 Jul 21 EPR was the result of a Letter of Reprimand (LOR) he received for the appearance of favoritism. An Equal Opportunity (EO) investigation Work-Product later found the allegation to be unfounded and the LOR was removed from his record. The EO report noted there was a bias in the Report of Investigation (ROI) and the evidence used to support the LOR was based on rumors and not first-hand knowledge. The EPR was corrected to reflect, “Exceeded most, if not all expectations,” and was signed by all the original signatories.

### STATEMENT OF FACTS

The applicant is an Air Force senior master sergeant (E-8).

On 20 Sep 21, according to AF Form 911, for the rating period of 1 Oct 20 – 31 Jul 21, the applicant received the rating in Section III, *Performance in Leadership/Primary Duties/Followership/Training* of “Exceeded some, but not all expectations.”

On 15 Dec 23, according to the memorandum, *Appeal of Evaluation for <applicant>*, the applicant filed an appeal of his EPR to the Evaluation Reports Appeal Board (ERAB), which stated that on 21 May 21, he received a LOR for the appearance of favoritism based on a command-directed investigation (CDI) of acts that occurred in a deployed location. On 31 Jul 21, based on the LOR, he received a rating of “*Exceeds some, but not all expectations*” in the *Performance in Leadership/Primary Duties/Followership/Training* section on his EPR for the rating period of 1 Oct 20 – 31 Jul 21. On 28 May 21, a member of the deployed team filed an EO complaint. On 15 Oct 21, the EO investigation closed and although substantiated by the Fighter Wing EO office, upon review by the USAFE Judge Advocate Office, it was found to be not legally sufficient. Subsequent to the release of the findings, the applicant's LOR was removed from his record and his EPR was corrected to reflect “*Exceeds most, if not all expectations*” in the *Performance in Leadership/Primary Duties/Followership/Training* section with all original parties resigning.

On 5 May 23, according to the AFPC/DP3SP advisory, dated 16 Jul 24, the applicant was notified the ERAB denied his application stating, the “board was not convinced there was an error or injustice on the contested report based on the documentation provided.”

Controlled by: SAF/MRB  
CUI Categories: Work-Product  
Limited Dissemination Control: N/A  
POC: [SAF.MRBC.Workflow@us.af.mil](mailto:SAF.MRBC.Workflow@us.af.mil)

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

## AIR FORCE EVALUATION

AFPC/DP3SP, recommends granting the application. The applicant contends he received a LOR for the appearance of favoritism based on a CDI, initiated by a previous commander, for acts that occurred in a deployed location. The original rater provided a document stating the LOR was removed from the applicant's record following the release of the findings from the closed case on 15 Oct 21. Air Force Instruction (AFI) 36-2406, *Officer and Enlisted Evaluation System*, paragraph 1.8.7.1 states, "If a member has been convicted by a court-martial or if the senior rater decides to file any adverse information in an Airman's Officer Selection Record or Senior Non-Commissioned Officer Selection Record, comments relating to the ratee's behavior are mandatory on the next OPR, EPR or TR, and PRF if not already documented. The evaluation becomes a referral." The applicant's rating chain chose not to comment on the underlying wrongdoing during the rating period, which did not cause the report to be referred to the applicant for comments and consideration by the next evaluator. As such, the EPR closed out with the overall rating of "Exceeded most, if not all expectations."

The applicant has successfully provided the necessary information/support from the rating official on the contested EPR. Although Air Force policy is that an evaluation report is accurate as written when it becomes a matter of record and, to effectively challenge an evaluation, it is necessary to hear from the original rater who gave the "Exceeded some, but not all expectations." While they contend that once a report is accepted for file, only strong evidence to the contrary warranted correction or removal from an individual's record, the applicant provided compelling evidence to substantiate the contested EPR was not rendered in good faith by all evaluators based on the knowledge available at the time.

Therefore, based on the evidence presented, AFPC/DP3SP recommends approval of the applicant's request to change the "Exceeded some, but not all expectations" to "Exceeded most, if not all expectations" in Section III on the contested evaluation.

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 9 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.
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 AFPC/DP3SP 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 AF Form 911, *Enlisted Performance Report (MSgt thru SMSgt)*, for the rating period of 1 Oct 20 – 31 Jul 21, the applicant received the rating in Section III, *Performance in Leadership/Primary Duties/Fellowship/Training*, “Exceeded most, if not all expectations.”

## 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-2024-01374 in Executive Session on 14 Jan 25:

Work-Product Panel Chair  
Work-Product Panel Member  
Work-Product Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 11 Apr 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DP3SP, dated 16 Jul 24.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 9 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.

3/5/2025

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Board Operations Manager, AFBCMR

Signed by: Work-Product