
RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01696

XXXXXXX

COUNSEL: XXXX

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He be considered for promotion by a special selection board (SSB) for the P0523D CY23D USAF Lieutenant Colonel Biomedical Sciences Corps Central Selection Board (CSB) for the missing Meritorious Service Medal, First Oak Leaf Cluster (MSM w/1 OLC) from his record.

APPLICANT'S CONTENTIONS

His MSM w/1 OLC, for the inclusive dates of 12 Jun 20 – 18 Aug 23, was not updated in his record until after the promotion board convened and therefore was not considered by the P0523D BSC CSB for promotion consideration.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air Force Biomedical Science Corps major (O-4).

On 28 Nov 23, the applicant met and was a non-select for promotion to lieutenant colonel by the P0523D BSC CSB.

On 14 Dec 23, according to the citation for the MSM w/1 OLC, Special Order XXXXX with a "Given Under My Hand" (signed) date of 14 Dec 23, the applicant was awarded the MSM w/1 OLC for the period of 12 Jun 20 to 18 Aug 23.

On 15 Dec 23, according to the Automated Records Management (ARMS) Web application screenshot, the award was committed to his ARMS record.

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

APPLICABLE AUTHORITY/GUIDANCE

Background: Historically the "Given Under My Hand Date" is the date the approving official signed the approved decoration, thus making it a matter of record. While AFI 36-2803, *The Air Force Military Awards and Decorations Program*, dated 18 Dec 13, with incorporated changes dated 8 Feb 18, is absent information regarding a "Given Under My Hand Date"; DAFMAN 36-2806, *Military Awards: Criteria and Procedure*, dated 27 Oct 22, which replaced AFI 36-2803 states in Attachment 4, *Preparation and Distribution of Certificates, Citations and Special Orders*, Paragraph A4.2.2. that, **"the Given Under My Hand date on the certificate is the date the award was approved."** In this case the "Given Under My Hand" date was not signed until, 14 Dec 23, after the date the Board convened on 28 Nov 23 and therefore was not considered by the Board. However, the applicant's argument is the inclusive period of the award (or the act and

achievement) was prior to the date the Board convened and should now be considered material information that was not previously considered and as such warrants an SSB.

AFPC/DP3SP (Recognitions) and AFPC/DPMSSP (Officer Promotions), have recently changed their stance on correcting the "Given Under my Hand Date." In the past, cases have been closed for "Failure to Exhaust Remedies" and applicants were told they must first request an amendment to the "Given Under My Hand Date" from the approval authority, who may approve or deny based on the circumstances. However, after further review of the regulation, AFPC has now advised the "Given Under My Hand Date" is unamendable by the approval authority. In addition, via e-mail dated, 16 Mar 20, titled "Policy guidance needed for Decorations – "Given Under My Hand Date," HAF/A1 confirmed the "Given Under My Hand Date" is the date the commander approves the decoration, which is also the same for all Sister Services, Joint Staff and DoD. As such, the AFBCMR is the only option the applicant has to request a change to the "Given Under My Hand Date."

According to AFI 36-2501, *Officer Promotions and Selective Continuation*, Chapter 6, *Special Selection Boards*

6.3. Conditions That May Warrant an SSB. Grant SSBs for promotion to the grade of captain through colonel based on:

6.3.1. Legal, Administrative, and Material Errors. Acting on behalf of the SECAF, HQ AFPC/DPPP and HQ AFPC/DPPPO can direct an SSB for an officer if it is determined:

6.3.1.2. The board did not consider material information that should have been available in compliance with pertinent Air Force directives and policies.

6.3.2. Pursuant to Formal Appeal. The AFBCMR can grant SSBs when they determine an officer's nonselection for promotion resulted because of an error or injustice in the officer's record.

6.5.2. Consider the records of officers as they would have appeared to the original board had the officers been properly considered. Compare the officers' records with benchmark records from the original boards (paragraph 3.3.3).

AIR FORCE EVALUATION

AFPC/DPMSP, recommends granting the application. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice based on his claim of an absent MSM w/1 OLC from his record. The applicant met and was a non-select for the P0523D BSC CSB which convened on 28 Nov 23. However, it has been confirmed the applicant's MSM, for the period of 12 Jun 20 through 18 Aug 23, did not meet the P0523D BSC CSB as an investigation revealed his record was not updated to include this award until 15 Dec 23. Therefore, the applicant is entitled to SSB consideration for the P0523D BSC CSB.

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 3 Jun 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/DPMSP 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 that:

- a. His Officer Selection Record for the CY23D P0523D Lieutenant Colonel Biomedical Science Corps Central Selection Board include Meritorious Service Medal, First Oak Leaf Cluster
- b. He receive consideration for promotion to the grade of major by a Special Selection Board for the CY23D P0523D Lieutenant Colonel BSC CSB.

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-2024-01696 in Executive Session on 26 Nov 24:

, Panel Chair
, Panel Member
, Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 7 May 24.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory opinion, AFPC/DPMSP, dated 31 May 24.
Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 3 Jun 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.

X

Board Operations Manager, AFBCMR