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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01833

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His AF Form 910, *Enlisted Performance Report (AB thru TSgt)*, rendered for the period 1 April 2020 thru 31 January 2021, be removed from his record.

APPLICANT'S CONTENTIONS

The rater's signature on the contested report was forged/signed without the rater's consent or knowledge. In a signed Memorandum for the Record (MFR) from the rater, which indicates he did not write the EPR himself and leadership did not ask permission or give him [rater] knowledge of them signing the report for him. This EPR denied him [applicant] the chance for a base of preference assignment during the rating period along with explaining why he received the rating he did when applying for special duties.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air Force staff sergeant (E-5).

AF Form 910, rendered for the period 1 April 2020 thru 31 January 2021, Section III, *Performance in Primary Duties/Training Requirements*, 1. *Task Knowledge/Proficiency* reflects "Exceed most, if not all expectations;" Section IV, *Followership/Leadership*, 1. *Resource Utilization (e.g. Time Management, Equipment, Manpower, and Budget)* reflects "Met all expectations;" Section V, *Whole Airman Concept*, 1. *Air Force Core Values* reflects "Met some but not all expectations;" Section VI, *Overall Performance Assessment* reflects "Met some but not all expectations;" Section VIII, *Additional Rater's Comments*, reflects "Concur;" Section IX, *Unit Commander/Military or Civilian Director/Other Authorized Reviewer's Comments*, reflects "Concur."

According to the MFR, dated 29 January 2024, the rater of the contested EPR for the period 1 April 2020 thru 31 January 2021, indicates "I do not agree with the rating on [Work-Product] EPR from "DATE." When his EPR was due I was TDY in Australia. I did not have a computer, let alone access to vPC, email, or the AF Portal. I did not know that past leadership used my initials and DoD ID Number on [Work-Prod...Jct] EPR and was not made aware they had until the EPR was submitted. I did not write this EPR, nor did I get the chance to view it before it was signed. [Work-Prod...] did not show me a single reason why he got the rating he got. He was without a doubt the hardest working and most knowledgeable Amn in the section. He is always willing to lend a hand and gave me no reason to rate him the way he was rated."

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The applicant did file an appeal through the Evaluation Report Appeals Board (ERAB) under the provisions of AFI 36-2406, *Correcting Officer and Enlisted Evaluations*; however, the ERAB was not convinced there was an error or injustice and denied the applicant's request for relief.

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 denying the application. The applicant contends his 31 January 2021 EPR is unjust, and the rater's signature was forged/signed without his consent or knowledge. The applicant provides a statement from the original rater. Although the applicant provided a memo from his rater, AFPC/DP3SP is still unable to verify if the comments are factual without coordination from the original additional rater and commander. IAW DAFI 36-2406, paragraph A2.5.23.1, the applicant must submit evidence of all attempts to locate the missing evaluator (e.g., certified mail receipt, emails, postal service). After all attempts have been exhausted, contact AFPC/DPMSPE for guidance. The applicant failed to provide evidence he tried to reach out to those missing evaluators. The applicant only provided a statement from the Superintendent, Customer Service, stating the additional rater and commander were no longer in the military, but did not provide what attempts were made to locate them. IAW paragraph 10.4.3.5 members can use the worldwide locator in accordance with AFI 33-332, *Air Force Privacy and Civil Liberties Program*, to assist personnel and members in contacting retirees. In summary, the applicant has not provided substantiating documentation or evidence to prove the final EPR was rendered unfairly or unjustly. Air Force policy states 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 judgment at the time it is rendered. To effectively challenge an evaluation, it is necessary to hear from all members of the rating chain, not only the support but, also for clarification/explanation. Statements from the evaluators during the contested period are conspicuously absent. The applicant has failed to provide the necessary information/support from the original additional rater and commander on the contested EPR. Without the benefit of these statements, the EPR is accurate as written. It is determined the EPR was accomplished in direct accordance with all applicable Air Force policies and procedures. Once a report is accepted for file, only strong evidence to the contrary warrant's correction for removal from an individual's record. The burden of proof is on the applicant. The applicant has not substantiated the contested EPR was not rendered in good faith by all evaluators based on the knowledge available at the time.

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 25 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 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 the necessary information from the original additional rater and commander on the contested EPR. Without these statements, the EPR is accurate as written. Should the applicant provide information from the original additional rater and commander to substantiate his contentions of all attempts he made to contact the original additional rater and commander (i.e., certified mail receipt, emails, postal service) the Board would be willing to relook his case. Therefore, the Board recommends against correcting the applicant's records.

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-2024-01833 in Executive Session on 11 March 2025:

- 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 20 May 2024.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 12 June 2024.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 25 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.

4/15/2025

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