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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01850

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NOT INDICATED

APPLICANT'S REQUEST

His DAF Form 910, *Enlisted Performance Report (EPR) (AB/Spcl thru TSgt)*, rendered for the period 1 December 2021 thru 30 November 2022, be removed from his record.

APPLICANT'S CONTENTIONS

During the rating period, he performed duties above his pay grade. While deployed he received a Letter of Evaluation (LOE), letter of recommendation, and a decoration citation for his leadership as proof of his level of performance. Due to his previous supervisor receiving a permanent change of station (PCS) during his deployment, the rater (Work-Product) of the contested report was directed to be his supervisor and in accordance with DAFI 36-2406, *Correcting Officer and Enlisted Evaluations*, paragraph 5.2.1.2., became his supervisor on 15 July 2022. He made it known to leadership of the discord between him and the rater prior to his deployment. He informed his supervisor he had accomplished all aspects of his feedback and was awaiting her coordination and availability for a meeting. He reminded her on three separate occasions; however, his mid-term feedback was not accomplished until 16 November 2022. Without knowledge of his duties while deployed, his rating chain altered his mandatory LOE bullets/accomplishments from their original writing (signed by his CENTCOM supervision/leadership). He requests the EPR be removed based on the evidence of omission, failure of his supervisor to perform their duties, and incorrect reflection of performance feedback during the rating period by his supervisory chain while he was deployed. His supervisor failed to perform duties which would have enabled her to make an appropriate assessment of his performance during the rating period.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air Force technical sergeant (E-6).

DAF Form 910, rendered for the period 1 December 2021 thru 30 November 2022, 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 "Exceeded some, but not all expectations;" Section V, *Whole Airman/Guardian Concept*, 1. *Department of Air Force Core Values* reflects "Exceeded some, but not all expectations;" Section VI, *Overall Performance Assessment* reflects "Exceeded some, but not all expectations;" Section VIII, *Additional Rater's*

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Comments, reflects “Concur;” Section IX, *Unit Commander/Military or Civilian Director/Other Authorized Reviewer’s Comments*, reflects “Concur.”

The applicant filed an appeal through the Evaluation Report Appeals Board (ERAB) under the provisions of AFI 36-2406; however, the ERAB was not convinced there was error or injustice and denied the applicant’s request.

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 the EPR does not accurately reflect his performance during the reporting period. He was deployed during the rating period and during this time there was a change in rater. The applicant states he requested a meeting with his rater regarding his mid-term feedback on three separate occasions; however, the feedback did not take place until 16 November 2022. If the applicant was concerned about his lack of feedback, there were avenues to take to resolve the issue. When required feedback does not take place, IAW AFI 36-2406, paragraph 2.2.1.3., “it is the ratee’s responsibility to notify the rater, and if necessary, the rater’s rater, when required or requested feedback did not take place.” In this case, the applicant does not appear to have sought any remedies from the additional rater of the report to obtain feedback if this was not completed. Further, paragraph 2.6.3 states, “since the ratee shares the responsibility to ensure feedback sessions occur, a feedback notice is also sent to the ratee through his unit concurrently with the notice sent to the rater. A rater’s failure to conduct a required or requested feedback session, or document the session on a Performance Feedback Worksheet (PFW), does not invalidate a performance report.” In addition, IAW AFI 36-2406, paragraph A2.5.8, it states, “while current Air Force policy requires performance feedback for personnel, a direct correlation between information provided during feedback sessions and the assessments on evaluation reports does not necessarily exist. For example, if after a positive feedback session, an evaluator discovers serious problems, he or she must record the problems in the evaluation report even when it disagrees with the previous feedback. There may be occasions when feedback was not provided during a reporting period, or a specific issue was not addressed; the lack of counseling or feedback, by itself, is not sufficient to challenge the accuracy or validity of an evaluation. Evaluators must confirm they did not provide counseling or feedback, and this directly resulted in an unfair evaluation. You must also supply specific information about the unfair evaluation so the Board can make a reasoned judgment on the appeal. Finally, every airman should know the existing standards for indebtedness, weight, fitness, etc. Lack of counseling in these areas provides no valid basis for voiding an evaluation.” Only members in the rating chain can confirm if counseling and/or feedback was actually provided; whether formal or informal, whether verbal or in writing. In this case, the applicant has not provided any relevant documents to prove this allegation. AFPC/DP3SP contend this specific contention by the applicant is not in accordance with established Air Force policy and is thereof also without merit.

The applicant also contends the rating for the reporting period does not align with ratings from previous and current leadership. IAW AFI 36-2406, paragraph A2.5.2 states: “Ratings and Comments Inconsistent with Prior or Subsequent Evaluations. Ratings are not erroneous or unjust because they are inconsistent with other ratings you have received. An evaluation documents performance during a specific period and reflects your performance, conduct, and potential at the time, in that position. An ability to function well in one position at a given time may change in another job at another time. Sometimes an individual can stay in the same job and a change in supervisors will produce a change in performance standards which,

depending on how well the individual adapts, could cause a marked change in the next evaluation. The Board will not approve requests to void evaluations simply because they are inconsistent with other evaluations.”

In addition, the applicant also states this record is unjust as it places him at a disadvantage to his promotion eligible peers. IAW AFI 36-2406, paragraph A2.5.1., (Impact on Promotion or Career Opportunity) an evaluation is not erroneous or unfair because the applicant believes it contributed to a non-selection for promotion or may impact future promotion or career opportunities. The Board recognizes non-selection for promotion is, for many, a traumatic event, and the desire to overturn the non-selection is powerful motivation to appeal. However, the Board is careful to keep the promotion and evaluation issues separated, and to focus on the evaluation only. The simple willingness by evaluators to upgrade, rewrite, or void an evaluation is not a valid basis for doing so. Example: Requests to add optional statements (such as DE/PME, assignment/job/command “push” recommendation, add an omitted award or stratification) to an evaluation or PRF will normally not form the basis for a successful appeal. As these statements are not mandatory for inclusion, their omission does not make the evaluation inaccurate. You must prove the evaluation is erroneous or unjust based on its content.

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 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 any rating official on the contested EPR. Without the benefit of these statements, AFPC/DP3SP concludes 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 8 July 2024 for comment (Exhibit D), and the applicant provided additional documentation (email communique, MFR, etc.) in support of his appeal.

The applicant’s complete response is at Exhibit E.

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. Therefore, the Board recommends against correcting the applicant's records.

4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

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-2024-01850 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 21 May 2024.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, w/atchs, dated 1 July 2024.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 8 July 2024.
- Exhibit E: Applicant's Email Communique, w/atchs, dated 17 January 2023.

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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