

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-02042

XXXXXXXXXXXXXX

COUNSEL: XXXX

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His Letter of Admonishment (LOA) dated 30 Apr 24 be expunged from his official military record.

APPLICANT'S CONTENTIONS

The LOA borders on frivolity and hearsay. The LOA should be expunged from his record as it was levied without evidence or substantiation required by Department of the Air Force Instruction (DAFI) 36-2907, *Adverse Administrative Actions*, Chapter 3. No dates were provided in the LOA in regard to the cited incidents and although interviews were conducted and evidence was considered by his commander, no evidential documents were provided to him nor were they attached to the LOA. Furthermore, progressive discipline was not employed.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 30 Apr 24, according to the *Letter of Reprimand* (LOR), provided by applicant, his wing commander issued him an LOR as the result of an inquiry which disclosed he committed several forms of misconduct. Specifically, his publicly accessible and identifiable Facebook account contained numerous posts expressing negative views towards the President of the United States (POTUS) and protected classes in violation of Air Force Instruction 1-1, *Air Force Standards*, paragraph 2.20.3. Furthermore, he made inappropriate statements in the workplace regarding politics in violation of AFI 1-1, paragraph 2.17 and made disparaging comments regarding protected classes of people in violation of AFI 1-1, paragraph 2.7. On that same date, the applicant acknowledge receipt and that he had three (3) duty days in which to provide a response.

On 6 May 24, the applicant provided a response to the LOR.

On 16 May 24, his wing commander, having considered the applicant's response decided to reduce the LOR to an LOA. On that same date, the applicant acknowledged receipt of the LOA.

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

APPLICABLE AUTHORITY/GUIDANCE

DAFI-36-2907, *Adverse Administrative Actions*, 14 Oct 22. 1.1. Overview. Adverse administrative actions are intended to improve, correct, and instruct subordinates who violate established Department of the Air Force (DAF) standards whether on or off duty. Misconduct generally should be addressed at the lowest possible level, as soon as possible, to ensure an Airman's or Guardian's career is not negatively affected unnecessarily. The decision to utilize these quality force management tools should be based primarily on two factors: the nature of the incident and the previous disciplinary record of the Airman or Guardian. In deciding what type of action to take, consider the seriousness of the Airman's or Guardian's departure from established standards. Additionally, adverse administrative action should be used as part of a progressive discipline process; however, there is no requirement to issue a lower level action to address an Airman's or Guardian's first instance of misconduct. Some misconduct warrants a more severe form of action or action from higher in the chain of command.

1.1.1. LOCs, LOAs, and LORs are quality force management tools available to supervisors, superiors, and commanders. These tools are disciplinary and corrective in nature, but not punitive.

2.2. Standard of Proof. The Standard of Proof for adverse administrative actions is a "preponderance of the evidence." This standard will be used when evaluating the evidence and every element of the alleged offenses.

2.2.1. A preponderance of the evidence merely means that it is more likely than not that a fact exists. Preponderance of the evidence is not determined solely by the volume of witnesses or documentary evidence supporting or refuting an allegation. Rather, it is based on the totality of the circumstances, the inherent probability or improbability of the evidence, and a determination as to the weight and significance of the evidence and the credibility of the witnesses.

2.2.2. Consider whether such proof is available before initiating the administrative action. If such proof is lacking, administrative action may be determined legally insufficient and, as a result, could be withdrawn. There is no requirement to prove any allegation beyond a reasonable doubt.

2.3. Verbal Counseling and Records of Individual Counseling. Commanders, first sergeants, supervisors, and other individuals in the member's administrative or operational chain of command will assist Airmen and Guardians in developing skills, attitudes, and behaviors that are consistent with DAF standards. Members of the administrative or operational chain of command will routinely counsel Airmen and Guardians either verbally or in writing.

2.3.4. Letter of Admonishment (LOA). Administrative censure for violation of standards which is more severe than a RIC and LOC. It could be used to document a first offense or address behaviors not corrected through counseling. Do not use it when a reprimand is more appropriate.

2.3.5. Letter of Reprimand (LOR). Administrative censure for violation of standards which is more severe than a RIC, LOC, and LOA and indicates a stronger degree of official censure. It may also be issued when other, less severe methods have failed to correct behavior.

AIR FORCE EVALUATION

AFPC/DPMSSM recommends denying the request. Review of the documentation provided by the applicant and analysis of the facts, find there is insufficient evidence to support the claim of

an error or injustice in the administration of the LOA. The applicant was administered a LOR on 30 Apr 24 for posting negative views of POTUS on his publicly viewable Facebook account. He also made inappropriate statements regarding politics in the workplace. The applicant acknowledged receipt of the LOR and was provided three duty days in which to respond. The issuing authority, upon consideration of the applicant's response, then decided to reduce the LOR to an LOA. While they cannot speak to the issuing authority's reasons for issuing the administrative action, the applicant has failed to provide sufficient evidence that the LOA was not administered in accordance with DAFI 36-2907. The LOA, along with the applicant's response, has not been filed in the applicant's Master Personnel Records Group (MPerRGp).

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 31 Jul 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 not the victim of an error or injustice. After thoroughly reviewing this application, the Board concurs with the rationale and recommendation of AFPC/DPMSSM and finds a preponderance of the evidence does not substantiate the applicant's contentions. The applicant was administered an LOR on 30 Apr 24 for posting negative views of POTUS on his publicly viewable Facebook account. He also made inappropriate statements regarding politics in the workplace. The applicant acknowledged receipt of the LOR and was provided three duty days in which to respond. The issuing authority, upon consideration of the applicant's response, then decided to reduce the LOR to an LOA. While the applicant contends the LOA borders on frivolity and hearsay and should be expunged, the Board disagrees. Specifically, the Board notes the applicant's actions displayed poor judgment and failed to epitomize the culture, care and respect expected of senior noncommissioned officers entrusted to lead Airmen. Therefore, the Board agreed the LOA was the correct level of corrective action and finds it was well within the commander's authority and the evidence presented does not demonstrate an error or injustice warranting removal of the LOA or show it was unjust or inaccurate as written. 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-2024-02042 in Executive Session on 11 Mar 25:

, Panel Chair
, Panel Member
, Panel Member

All members voted against correcting the record. The panel considered the following:

Exhibit A: Application, DD Form 149, w/atch, dated 20 May 24.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, AFPC/DPMSSM, dated 29 Jul 24.
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 31 Jul 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