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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:**DOCKET NUMBER:** BC-2024-02116

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COUNSEL: NONE**HEARING REQUESTED:** NO

APPLICANT'S REQUEST

Her Unfavorable Information File (UIF) be removed from her record.

APPLICANT'S CONTENTIONS

She received the UIF after following the directions of the Nurse Advice Hotline and the guidelines outlined in the base's COVID-19 policy.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force first lieutenant (O-2).

On 16 Feb 23, according to memorandum, *Letter of Reprimand* (LOR), the applicant's squadron commander issued her an LOR as the result of an investigation which disclosed that on or about 17 Jan 23, she knowingly made a false statement to her supervisor and was absent without leave. Specifically, she told her flight commander she was leaving her scheduled duty day to attend a medical appointment at the medical group. On 17 Jan 23, she did not return to work. Instead, she told her flight commander that a medical provider told her not to return to work and that she was put on quarters; however, the medical group has no record of her scheduling or attending a medical appointment on 17 Jan 23 and she was never placed on quarters. On that same date, the applicant acknowledged receipt and she had until 22 Feb 23 to provide a response.

On 22 Feb 23, the applicant provided a response.

On 24 Feb 23, her commander, having considered her response, decided to sustain the LOR and informed the applicant the LOR will be filed in an UIF.

On 12 Jul 24, according to the Military Personnel Data System (MilPDS), a UIF was established with an expiration date of 5 Mar 25.

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

AFBCMR Docket Number BC-2024-02116

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APPLICABLE AUTHORITY/GUIDANCE

Department of the Air Force Instruction (DAFI) 36-2907, *Adverse Administrative Actions*, 14 Oct 22:

1.2. Adverse Information for Total Force Officer Selection Boards Overview. All adverse information an officer receives will be filed in the OSR and will be considered by promotion selection, special selection, Federal recognition (ANG specific), and selective continuation boards to the grade of O-4 and above (to include processes for O-3 promotions that have “extraordinary adverse information” per Department of Defense Instruction (DoDI) 1320.14, *DoD Commissioned Officer Promotion Program Procedures*). Adverse information is any substantiated finding or conclusion from an officially documented investigation or inquiry or any other credible information of an adverse nature. To be credible, the information must be resolved and supported by a preponderance of the evidence. To be adverse, the information must be derogatory, unfavorable, or of a nature that reflects clearly unacceptable conduct, integrity, or judgment on the part of the individual. Adverse information includes, but is not limited to:

1.2.1.4. LORs.

1.2.3. All adverse information as defined by this instruction will be permanently placed in the MPerRGp. **(T-0)** Except for the set aside of a court-martial or nonjudicial punishment, removal of adverse information from the MPerRGp may only be directed pursuant to an Air Force Board for Correction of Military Records (AFBCMR) recommendation.

3.1. UIF Authorities to Establish, Destroy or Remove. UIFs may be established, destroyed, or removed by the following individuals:

3.1.1. Commanders and equivalent civilian directors at all levels. Commanders must be on G-series orders and senior to the member.

3.2. Initiating a UIF. The appropriate UIF authority initiates a UIF by referring applicable documents to the member using a DAF Form 1058.

3.2.1. Officer UIFs. For mandatory documents (Article 15s, LOR, court-martial or civilian court convictions), the DAF Form 1058 does not need to be referred to the officer for a response.

AIR FORCE EVALUATION

AFPC/DPMSSM recommends denying the request. Based on the documentation provided by the applicant and analysis of the facts, there is insufficient evidence of an error or injustice as it pertains to the administration of the LOR and the UIF. She was administered an LOR for making a false statement to her supervisor, specifically telling her Flight Commander she was leaving her scheduled duty day to attend a medical appointment and did not return. She then told her flight commander the medical provider told her not to return to work and she would be put on quarters. It was later determined she did not attend a medical appointment and was not placed on quarters. The applicant acknowledged receipt of the LOR and provided a response, which the issuing authority considered and elected to maintain the LOR and place it in an UIF and also include it in her Officer Selection Record (OSR). The commander administered the LOR and established the UIF in accordance with the guidelines contained within DAFI 36-2907, Chapter 3. There is no evidence of procedural deviations that would preclude filing the UIF in the applicant’s record.

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 Oct 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. 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 Board finds the Unfavorable Information File (UIF) was correctly established due to the issuance of an adverse administrative action, in accordance with the governing directive DAFI 36-2907, *Adverse Administrative Actions*. However, the Board also notes the UIF had an expiration date of 5 Mar 25 and is not reflected in the Military Personnel Data System (MilPDS). The Board finds the UIF has been removed from the applicant's record; therefore, there is no record to correct.

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-2024-02116 in Executive Session on 11 Mar 25:

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III, 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/atchs, dated 27 May 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSSM, dated 7 Oct 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 8 Oct 24.

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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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AFBCMR Docket Number BC-2024-02116

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