

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-02250

XXXXXXXXXXXXXX

COUNSEL: XX

HEARING REQUESTED: YES

APPLICANT'S REQUEST

Her date of rank (DOR) be backdated, with entitlement to all pay and allowances, effective as of the CY21 USAFR Colonel Promotion Board.

APPLICANT'S CONTENTIONS

In July 2021, her senior rater, 4th Air Force Commander (4AF/CC), nominated her with a Definitely Promote (DP) recommendation for promotion consideration to the grade of colonel for the CY21 USAFR Colonel Selection Board. However, due to administrative oversight her AF Form 707, *Officer Performance Report* (OPR), with a closeout date of 22 Jul 21, was not reviewed or signed by the wing commander (WG/CC) until Feb 22 and thus was not submitted for processing until well after the board convened. Consequently, it was missing from her records when the CY21 board convened on 18 Oct 21. Similarly, in 2022, her next OPR, with a closeout date of 22 Jul 22, was stuck in the new myFSS evaluation system and was inaccessible for review or signature by the WG/CC causing it to be absent from her record when the CY22 board convened on 17 Oct 22. Despite receiving DP recommendations from the 4AF/CC, a general officer, she was not selected for promotion by either board due to the absent OPRs. These administrative oversights significantly impacted her promotion eligibility.

STATEMENT OF FACTS

The applicant is an Air Force Reserve Medical Services Corps colonel (O-6).

On 24 Aug 21, according to AF Form 709, *Promotion Recommendation*, reflects she received a Definitely Promote recommendation for Board V0621A from her senior rater, the 4th Air Force Commander.

On 18 Oct 21, according to ARPCM 21-13 (Ch 1), (*Updated, 28 Jun 21*) *CY21 Air Force Reserve Line and Nonline Colonel Promotion Selection Boards Convening Notice*, dated 4 May 21, the V0621A USAFR Colonel Mandatory Participating Reserve promotion selection board convened. Paragraph 12. Officers Performance Reports (OPRS), states "for officers to receive fair and full consideration, it is imperative that reports due before the board convenes be completed and submitted on time." Further, it states, "...only those with a closeout date 60 days prior to before the convening date are considered mandatory documents for the board." She was a non-select for promotion.

On 18 Feb 22, according to AF Form 707, her OPR for the rating period of 23 Jul 20 thru 22 Jul 21, was signed by her additional rater, the WG/CC and on 27 Feb 22 was finalized when signed by the reviewer, the 4AF/CC.

On 15 Sep 22, according to AF Form 709, reflects she received a Definitely Promote recommendation for Board V0622A from her senior rater, the 4th Air Force Commander.

On 17 Oct 22, according to ARPCM 22-18, *CY22 Air Force Reserve Line and Nonline Colonel Promotion Selection Boards Convening Notice*, dated 18 May 22, the V0622A USAFR Colonel Mandatory Participating Reserve promotion selection board convened. Paragraph 12. Officers Performance Reports (OPRS), states “for officers to receive fair and full consideration, it is imperative that reports due before the board convenes be completed and submitted on time.” Further, it states, “...only those with a closeout date 60 days prior to before the convening date are considered mandatory documents for the board.” She was a non-select for promotion.

On 13 Feb 23, according to AF Form 707, her OPR for the rating period of 23 Jul 21 thru 22 Jul 22, was signed by her additional rater, the WG/CC and on 27 Feb 23 was finalized when signed by the reviewer, the 4AF/CC.

On 6 Nov 23, according to ARPCM 23-12, *CY23 Air Force Reserve Line and Nonline Colonel Promotion Selection Boards Convening Notice*, V0623A USAFR Colonel Mandatory Participating Reserve promotion selection board convened. The applicant was selected for promotion.

On 2 May 24, according to Reserve Order Work-Product dated 20 May 24, she was promoted to the rank of colonel in the Air Force Reserve with the corresponding DOR and Effective DOR of 2 May 24.

On 18 Jun 24, according to myFSS email, *ERAB <applicant>, HQ 15AF*, the applicant was informed, in accordance with DAFI 36-2406, her evaluations appeal does not meet policy sufficiency to meet an Evaluation Reports Appeal Board.

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

10 USC 14502, *Special selection boards: correction of errors*, paragraph b, Officers considered but not selected; Material Error, states that in the case of an officer or former officer who was eligible for promotion and was considered for selection for promotion from in or above the promotion zone under this chapter by a mandatory promotion board convened under section 14101(a) of this title but was not selected, the Secretary of the military department concerned may, under regulations prescribed by the Secretary of Defense, convene a special selection board under this subsection to determine whether the officer or former officer should be recommended for promotion, if the Secretary determines that: (A) the action of the mandatory promotion board that considered the officer or former officer was contrary to law in a matter material to the decision of the board or involved material error of fact or material administrative error; or (B) the mandatory promotion board did not have before it for its consideration material information.

Department of the Air Force Instruction (DAFI) 36-2406, *Officer and Enlisted Evaluations Systems*, 14 Nov 19 (certified current 16 Mar 22), paragraph 1.4.2. *Suspenses*. 1.4.2.1. The Commander’s Support Staff (CSS) and servicing Military Personnel Flight (MPF) work together to manage the evaluation system and monitor suspenses. Established suspenses should allow for the evaluation to be filed in the member’s official record no later than 60 calendar days after the close-out date. Evaluations will not be signed prior to the closeout date.

1.4.2.2.2. Due to Air Force Personnel Center/Air Reserve Personnel Center (AFPC/ARPC) or office of record no later than 45 calendar days after close-out. This suspense is to allow for any corrections that may be needed at the lower level.

AIR FORCE EVALUATION

ARPC/PB recommends denying the request. The request to backdate her DOR to colonel to any date earlier than when the promotion list was approved for the V0623A board should be denied. In this case, the applicant was not selected for promotion to the grade of colonel on the V0621A or V0622A colonel promotion boards, which means she was not on the approved promotion lists for these boards. DORs cannot be backdated unless an officer was selected for promotion and is on an approved promotion list. In accordance with 10 USC § 14308 (a) promotion lists, "When the report of a selection board convened under section 14101(a) or 14502 of this title is approved by the President, the Secretary of the military department concerned shall place the names of all officers selected for promotion within a competitive category on a single list for that competitive category, to be known as a promotion list, in the order of seniority of those officers on the reserve active-status list or based on particular merit, as determined by the promotion board. A promotion list is considered established under this section as of the date of the approval of the report of the selection board under the preceding sentence."

Per 10 USC § 14502. Special selection boards: correction of errors. (b) Officers Considered But Not Selected; Material Error - (1b), "In the case of an officer or former officer who was eligible for promotion and was considered for selection for promotion from in or above the promotion zone under this chapter by a mandatory promotion board convened under section 14101(a) of this title but was not selected, the Secretary of the military department concerned may, under regulations prescribed by the Secretary of Defense, convene a special selection board under this subsection to determine whether the officer or former officer should be recommended for promotion, if the Secretary determines that the mandatory promotion board did not before it for its consideration material information."

The applicant did not have her 2021 or 2022 OPRs filed in her OSR when she met the V0621A or V0622A boards. The OPRs were not included in her OSRs as they were not finalized until after the V0621A and V0622A boards adjourned. The finalized signature date for the 2021 OPR was 28 Feb 22, and the finalized signature date for the 2022 OPR was 28 Feb 23. Since the OPRs were signed post board, the evaluations cannot be added to the V0621A or V0622A OSRs unless the signature dates are changed/adjusted to dates prior to the original boards convening date.

Per the documentation provided by the applicant, she showed her due diligence to get the OPRs completed prior to the boards convening. Since attempts were made, and due to no fault of the applicant, to ensure the OPRs were completed, SSBs can be approved, but only if the OPR signature dates are adjusted.

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 10 Sep 24 for comment (Exhibit D), and the applicant replied on 8 Oct 24. In her response, the applicant contended her 2021 PRF recommendation was adversely affected by due to the absence of her 2021 OPR as she did not receive a Definitely Promote promotion recommendation and but instead received a Promote recommendation.

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 the ARPC/PB and finds a preponderance of the evidence does not substantiate the applicant's contentions. While the Board determines the applicant provided sufficient evidence she exercised reasonable due diligence to discover the error(s) or omission(s) in her record and took corrective action by corresponding with the board president(s), by letter, in regard to the missing OPR(s), the Board finds the promotion board(s) properly considered her record in their decisional process and finds insufficient evidence exists of a material error to warrant a special selection board. With respect to the applicant's request to backdate her DOR with entitlement to all pay and allowances, effective as of the CY21 USAFR Colonel Promotion Board, the Board notes the applicant was not selected by either the CY21 or CY22 promotion boards and placed on an approved promotion list; therefore, IAW 10 USC § 14308(a), her request to change her date of rank is denied. Therefore, the Board recommends against correcting the applicant's record.

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-2024-02250 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/atchs, dated 24 Jun 24.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, ARPC/PB, w/atchs, dated 23 Aug 24.
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 10 Sep 24.
Exhibit E: Applicant's Response, w/atchs, dated 8 Oct 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.

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Board Operations Manager, AFBCMR