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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

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DOCKET NUMBER: BC-2024-02254

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His Letter of Reprimand (LOR), dated 28 June 2013, be removed from his Officer Selection Record (OSR) (*Administratively Corrected*).

He be considered for promotion by a special selection board (SSB) for Calendar Year 2024 (CY24) United States Air Force Lieutenant Colonel (Lt Col) (O-5) (P0524A) Central Selection Board.

APPLICANT'S CONTENTIONS

His LOR should be removed from his OSR in accordance with (IAW) Department of the Air Force Instruction (DAFI) 36-2907, *Adverse Administrative Actions*. He was informed by the Chief, Officer Personnel Law, Air Force Personnel Center Staff Judge Advocate (AFPC/JA) of his LOR removal on 14 June 2024. His LOR was dated 28 June 2013; however, due to a delay in filing by his unit, the forwarding document reflects a signature date of 8 January 2014. As a result, this unit delay impacted AFPC's 10-year review for the removal of his LOR, which was based on the 8 January 2014 date, instead of the LOR issuance date of 28 June 2013. Consequently, the review occurred in 2024, rather than in 2023, which would have marked the 10-year anniversary of the LOR issuance. Given the removal of the LOR should have occurred prior to his 2024 promotion board, he was advised to request an SSB for promotion consideration.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force major (O-4).

On 28 June 2013, the applicant was issued an LOR for his failure to meet the minimum fitness standards on 25 June 2013. Specifically, he failed to meet the minimum component values in the run category, causing his third fitness failure in a 24-month period.

On 8 July 2013, after consideration of all matters the applicant's commander decided to maintain the LOR in an Unfavorable Information File.

On 30 October 2013, the applicant's commander notified HQ AFPC/PBRI of his intent to forward the applicant's LOR to his senior rater for a decision of filing the document in his OSR.

On 4 November 2013, the applicant provided written matters requesting his LOR not to be placed into his OSR. After consideration, his commander ceased the process to file the LOR

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On 8 January 2014, the applicant's wing commander determined his LOR would be filed in his OSR and Officer Command Selection Record.

On 23 January 2014, according to a memorandum for record, an Adverse Actions Technician, indicated she untimely received the applicant's "Intent to File LOR" and "Decision to File LOR to OSR" from his unit on 17 January 2014.

On 14 June 2024, according to electronic mail provided by the applicant, an attorney at AFPC conducted a review of historic adverse actions from 10 years prior determined his LOR received in 2013 should be removed from his OSR, and it was removed. It should have been removed in June 2023; however, it was unfortunately entered into his record with a document date of 8 January 2014 because that was the date on the first page, which was the decision to file the LOR in his OSR.

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

AIR FORCE EVALUATION

AFPC/DPMSPP recommends granting the application. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. IAW DAFI 36-2907, adverse information for colonel (O-6) and below will remain in an officer's selection record for 10 years, unless the conduct, if tried by court-martial, could have resulted in the imposition of a punitive discharge and confinement for more than 1 year. The applicant's conduct did not meet the criteria for the exception; consequently, the LOR was required to only remain in his OSR for a period of 10 years. The tenth year was completed on 28 June 2013, which occurred prior to the applicant's promotion board convening date.

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 15 October 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 the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DPMSPP and finds a preponderance of the evidence substantiates the applicant's contentions. Specifically, a review of historical adverse actions revealed the applicant's LOR issued in 2013 should have been removed from his OSR after 10 years. This removal was warranted as the LOR's retention period expired before the applicant's promotion board convening date. Consequently, the LOR has been removed from the applicant's record, and no further action is required regarding this request. However, the removal of the LOR provides sufficient justification to grant the applicant's request for consideration by an SSB. Therefore, the Board recommends correcting the applicant's records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that his record be considered for promotion to the grade of lieutenant colonel (O-5) by a Special Selection Board for Calendar Year 2024 (CY24) United States Air Force Lieutenant Colonel (O-5) (P0524A) Central Selection Board.

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-2024-02254 in Executive Session on 8 April 2025:

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III, Panel Chair

Panel Member

Panel Member

All members voted to correct the record. The panel considered the following:

Exhibit A: Application, DD Form 149, w/atchs, dated 24 June 2024.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory opinion, AFPC/DPMSP, dated 8 October 2024.

Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 15 October 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.

4/19/2025

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