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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-02325

GROUP SUBMISSION - CY23A ARC
CAPTAIN (O-3) PROMOTION

COUNSEL: NONE

HEARING REQUESTED: NO

GROUP APPLICANTS REQUEST

The Date of Rank (DOR) in the grade of captain (O-3) for the 301 Reserve of the Air Force applicants listed in this group application be corrected to reflect the date of rank they would have otherwise received if not for the delay in processing the CY23A Air Reserve Component Captain All-Fully-Qualified-Officers List.

APPLICANT'S CONTENTIONS

The 301 applicants are Air Force Reserve officers that were approved for promotion by the CY23A Captain All-Fully-Qualified-Officers process ("Captain's Process"). Those selected were projected to be promoted to the grade of captain on 1 October 2023 or after completing two years' time in grade, whichever was later. As such, the promotion nominations with the All-Fully-Qualified-Officers listed should have been approved by the Secretary of Defense prior to 1 October 2023, but due to a delay during the staffing process, the Secretary of Defense did not approve the list until 28 December 2023. If not for the delay, the applicants would have been promoted to the grade of captain with an earlier date of rank.

The purported "error or injustice" is the administrative delays in routing the nominations caused a delay in approval and ultimately delayed the promotions of the applicants. Without a correction, the officers will lose up to 2 months and 27 days of pay and seniority as compared to their peers.

The group submission for the applicants is at Exhibit A.

STATEMENT OF FACTS

The applicants are captains (O-3) in the Air Force Reserve.

According to the documentation submitted with the group application:

On 5 July 2023, ARPC/PB finalized the CY23A Air Force Reserve Captain All-Fully-Qualified-Officers-List report recommending 474 officers for promotion to the grade of captain.

On 28 December 2023, the Secretary of Defense approved the appointment of the applicants to the grade of captain (O-3) in the Air Force Reserve. However, due to a delay in approving the promotion list, 301 of the 474 officers were precluded from receiving their promotion to the grade of captain on their originally projected date of promotion (two years' time in grade).

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POC: SAF.MRBC.Workflow@us.af.mil

According to a memorandum titled “Group Application to Air Force Board for Correction of Military Records (AFBCMR) – Date of Rank Adjustments for Seniority and Pay,” the Secretary of the Air Force submitted a group application to the AFBCMR requesting 301 officers impacted by an administrative delay have their dates of rank adjusted to reflect the original projected promotion date. In addition, the memorandum included a list that contained the names of the applicants with the adjusted date of rank requested.

For more information, see the group submission at Exhibit A and the applicable authority at Exhibit B.

APPLICABLE AUTHORITY/GUIDANCE

Executive Order 12396 Section 1, provides the authority delegated by the President of the United States to the Secretary of Defense “to perform, without approval, ratification, or other action by the President, the following functions vested in the President:

(c) The authority vested in the President by Section 624(c) of Title 10 of the United States Code, to appoint officers in the grades of first lieutenant and captain in the Army, Air Force, and Marine Corps or in the grades of lieutenant (junior grade) and lieutenant in the Navy.

Title 10 U.S.C., § 14111 Reports of selection boards: transmittal to President

a) Transmittal to President — The Secretary concerned, after final review of the report of a selection board under section 14110 of this title, shall submit the report with the Secretary's recommendations, to the Secretary of Defense for transmittal by the Secretary to the President for approval or disapproval. If the authority of the President to approve or disapprove the report of a promotion board is delegated to the Secretary of Defense, that authority may not be redelegated except to an official in the Office of the Secretary of Defense.

Title 10 U.S.C., § 14308 – Promotions: how made

a) Promotion List.— 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 to be established under this section as of the date of the approval of the report of the selection board under the preceding sentence.**

b) Promotion; How Made; Order

(4)(B) An all-fully-qualified-officers list shall be considered to be approved for purposes of subparagraph (A) when the list is approved by the President. When so approved, such a list shall be treated in the same manner as a promotion list under this chapter and chapter 1403 of this title.

DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 3.10.2.

3.10. Group Applications. In accordance with 10 U.S.C. § 1552(b), the SecAF may file a request for correction of a military record if the request is made on behalf of a group of members or former members of the Regular Air Force, United States Space Force, Air National Guard (error or injustice occurred while in Title 10 Status), Air Force Reserve (or predecessor organizations) who

were similarly harmed by the same error or injustice.

FINDINGS AND CONCLUSION

1. The application was timely filed.
2. The applicants exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicants are the victims of an error or injustice and finds a preponderance of the evidence substantiates the applicants contentions. The Board notes the lengthy ten-month coordination period of the CY23A Captain All-Fully-Qualified-Officers List exceeded the average processing time and subsequently delayed the promotion of 301 applicants to the grade of captain. Furthermore, the Board finds the purported injustice is a result of the unusual circumstances that were beyond the applicants control and the Department of the Air Force has no administrative remedy to correct the error. In this regard, the Board believes if it had not been for the administrative delay, the applicants would have otherwise been promoted to the grade of captain on their original projected promotion date. Given the applicants were qualified for promotion and the Secretary of Defense approved the promotion of the 301 applicants to the grade of captain on 28 December 2023, the Board finds sufficient evidence to now adjust the date of rank to the date the applicants would have otherwise been promoted. Therefore, the Board recommends correcting the applicants records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANTS be corrected to show they were promoted to the grade of captain (O-3), in the Reserve of the Air Force with an adjusted date of rank and effective date identified in Exhibit A of the group submission.

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-2024-02325 in Executive Session on 16 July 2024:

Work-Product, Panel Chair
Work-Product, Panel Member
Work-Product, Panel Member

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

- Exhibit A: SECAF Memorandum, w/atchs, dated 15 May 2024.
- Exhibit B: Applicable Authority

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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.

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