

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-02567

XXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

1. Her referral Officer Performance Report (OPR), for the period of 16 May 21 – 30 Sep 21 be removed from her record and replaced with an AF Form 77, *Letter of Evaluation*, for the period of 16 May 21 – 30 Sep 21, signed 26 Apr 23.

2. She be considered for promotion by a special selection board (SSB) for the (V0622A) CY22 USAFR Colonel Promotion Board.

APPLICANT'S CONTENTIONS

The referral OPR, generated due to a change of rating official (CRO), for the period of 16 May 21 – 30 Sep 21 was not executed in accordance with (IAW) Air Force Instruction 35-2406, *Officer and Enlisted Evaluation Systems*, and constitutes an error and injustice as indicated by the following violations:

a. The referral OPR was not completed/filed in the Personnel Records Display Application (PRDA) within the prescribed time limits IAW 1.4.2.4.

b. The referral OPR was not sent via certified mail IAW paragraph 1.10.5.1.3.

c. The rater failed to provide the accurate number of days of supervision IAW paragraph 3.12.5.

d. The required number of days of supervision was insufficient IAW Table 3.3, Rule 3.

e. The rater failed to provide feedback either face-to-face, or via telephone IAW paragraph 2.4.

f. The report was late/missing IAW paragraph 1.14.

g. The referral CRO report as filed in PRDA is an incomplete record IAW paragraphs 1.4.3 and 1.4.4.

h. The mandatory comment in the additional rater section states a date of 2 May 22, not the referral document date of 27 Apr 22, as required by 1.10.5.3.2.2.1.

Her previous OPR closed out on 15 May 21, and her last duty day performed as Commander, XXX Mission Support Group (MSG/CC) was 13 Jun 21. On 14 Jun 21, she started her active duty tour at ARPC. In her absence, the MSG deputy, Lt Col [REDACTED], assumed command (G-series orders) and held that position until 2 Oct 21 when replaced by Col [REDACTED]. Thus, when she started her active duty tour on 14 Jun 21, she had not accrued the required 120 days of supervision necessary to generate a CRO report. Further, her rater lacked the proper observations and

supervisory authority during the 29 days from the end of her previous report until the start of her active duty orders to warrant a CRO report.

In addition, even if a report was warranted, her rater, Col [REDACTED], failed to provide feedback, either face-to-face, or via telephone as required. Even though Col [REDACTED] had plenty of time to provide face-to-face feedback during the 29 days prior to her departure for ARPC, on the CRO report, Col [REDACTED] stated feedback was “Not accomplished due to member being on RPA beginning 14 Jun 21.” However, she does not believe Col [REDACTED] considered her under his supervision starting 14 Jun 21 as that is the date he appointed Lt Col [REDACTED] as the MSG/CC.

As of 1 Apr 23, the report was late/missing and it had been over 18 months since the rating period, 16 May 21 – 30 Sep 21, had ended. On 1 May 23, Col [REDACTED] contacted her and asked where her referral OPR was because he was having difficulty recalling its whereabouts. This admission by Col [REDACTED] appears to substantiate that as of 1 Apr 23, the report was not only late, but missing. Per discussions with NORAD and USNORTHCOM Reserve Forces and J1 personnel, the guidance contained within AFI 36-2406, states that if a missing report, is “unable to be re-accomplished, the MPF will prepare an AF Form 77 in accordance with Table 5.1 and forward to ARPC/DPTS for filing in PRDA.” However, on 16 May 23, she was surprised when she checked PRDA, instead of the AF Form 77, which had been submitted on 26 Apr 23, being present, the unjust and untimely referral OPR had been erroneously filed. She believes after their discussion, Col [REDACTED] located the referral OPR and submitted it to ARPC.

The matters contained within the Commander Directed Investigation (CDI) were known to both Major General [REDACTED] and Col [REDACTED] at the time her previous OPR closed out on 15 May 21. In fact, this OPR was not presented to her for signature until 24 Jan 22, eight (8) months after the report closed out. She received no administrative action during the rating period of 16 May 21 – 30 Sep 21, or feedback of any kind to inform her of dates and specific instances her behavior was incompatible with, routinely, and/or significantly failed to adhere to Air Force standards and expectations. The referral OPR does not properly place her on notice of what she must defend against, nor was she given any evidence or reports to clarify exactly what alleged conduct was at issue. As such, she was not afforded an opportunity to address or improve any standards, behavior, or performance during this rating period.

It is inappropriate to claim she was under the supervision of Col [REDACTED] for the referral OPR. The presence of this report in PRDA constitutes sufficient evidence of an error and injustice and warrants its removal.

The applicant’s complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force Reserve (AFR) lieutenant colonel (O-5).

AF Form 707, *Officer Performance Report (Lt thru Col)*, for the reporting period of 16 May 20 thru 15 May 21, reflects the applicant was the XXXX Mission Support Group Commander (310 MSG/CC). On 8 Nov 21, the report was signed by her rater, the XXX Space Wing Commander (SW/CC). Further, on 20 Jan 22, it was signed by Tenth Air Force Commander (AF/CC), who was both the additional rater and reviewer.

On 14 Jun 21, according to Reserve Order XXXX, dated 18 May 21, reflects she was ordered to Active Duty Operational Support (ADOS) and reported for duty at HQ AFPC, [REDACTED] AFB, CO for 109 days. On that same date, according to Special Order XXX, dated 26 May 21, provided by applicant, Lt Col [REDACTED], was appointed Commander, XXX Mission Support Group.

On 30 Sep 21, according to Reserve Order XXXX, dated 18 May 21, reflects she was released from her ADOS tour.

According to AF Form 707, for the reporting period 16 May 21 thru 30 Sep 21 reflects Reason for Report “CRO,” Change of Reporting Official. The report reflects for the rating period, she was XXX MSG/CC and that it was a referral OPR. Section XI, *Referral Report*, contains the following statement: “During the CRO rating period, 10 AF conducted a CDI into the health of the XXX MSG due to allegations against senior leaders and senior enlisted leaders. The report found an unhealthy command climate in the [Work-] MSG due in part to the ratees failure to thoroughly investigate allegations levied against her senior leader.” On 27 Apr 22, the report was signed by her rater, the XX SW/CC. On 5 Aug 22, her additional rater/reviewer, [Work-P-] AF/CC, concurred and signed.

On 31 May 23, according to the *Evaluation Appeal Application*, provided by the applicant, she requested the CRO OPR be substituted by an AF Form 77. The Evaluation Reports Appeal Board (ERAB) denied her request.

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

APPLICABLE AUTHORITY/GUIDANCE

Air Force Instruction (AFI) 36-2406, *Officer and Enlisted Evaluations Systems*.

Table 3.3. When to Prepare OPRs on AFR Officers (Lieutenant thru Colonel).

R U L E	A	B	C
	If...(See Notes 1 and 2)	and supervision period covers at least	Then write evaluation and enter reason as (See Notes 12, 13 & 14)
3	the ratee or rater departs for an active duty tour of at least 60 calendar day’s duration. See Notes 3, 4 and 5.	16 points and 120 calendar days	CRO
4	the ratee’s performance or conduct is unsatisfactory or marginal and a special evaluation is appropriate.	8 points and 60 calendar days See Note 6	Directed by HAF or Directed by Commander

Note 6: This includes placement on or removal from the control roster.

AIR FORCE EVALUATION

AFPC/DPTSP, disagrees with the ERAB’s denial and recommends granting the applicant’s request. Based on the documentation provided by the applicant and analysis, there is evidence of an error or injustice and recommends removing the applicant’s OPR for the reporting period of 16 May 21 – 30 Sep 21 and replacing it with an AF Form 77 for the same time period. Evidence was provided showing the evaluation was submitted containing several errors which should have resulted in rejection by the evaluations technician. Further, the applicant’s unit stated an AF Form 77 was submitted through CMS on 26 Apr 23; however, the OPR was submitted to AFPC instead of ARPC and subsequently processed on 15 May 23 and HQ ARPC, AFRC/CSS and

ARPC Workflow confirmed they have no record of the OPR being submitted in CMS. On 31 May 23, the applicant applied to the ERAB to remove the OPR and replace it with an AF Form 77; however, the ERAB denied the request.

In addition, the ARPC Selection Board Secretariat recommends granting the applicant special selection board consideration, if the recommendation to remove the OPR from her record and replace it with AF Form 77 is granted, for the following promotion boards; V0623A, and V0624A. The rationale for granting these SSBs is due to the offending OPR being in her Officer Selection Record when the promotion selection boards originally convened. Since the offending OPR is being removed and replaced by an AF Form 77, the OPR must be removed from any OSR that met an AFR colonel promotion board.

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 7 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 the victim of an error or injustice. The Board concurs with the rationale and recommendation of ARPC/DPTSP and finds a preponderance of the evidence substantiates the applicant's contentions. 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:

a. Her AF Form 707, *Officer Performance Report (Lt thru Col)*, for the rating period of 16 May 21 through 30 Sep 21, be removed from her official military record and replaced by an AF Form 77, *Letter of Evaluation* for the same rating period.

b. She receives consideration for promotion to the grade of colonel by a Special Selection Board for the V0623A CY23 United States Air Force Reserve Line and Nonline Colonel Promotion Selection Board; and if not selected:

c. She receives consideration for promotion to the grade of colonel by a Special Selection Board for the V0624A CY24 United States Air Force Reserve Line and Nonline Colonel Promotion 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-2024-02567 in Executive Session on 13 May 25:

, 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 19 Jul 24.

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

Exhibit C: Advisory opinion, AFPC/DPTSP, dated 30 Sep 24.

Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 7 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