

## **RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2024-02844

XXXXX

**COUNSEL:** XX

**HEARING REQUESTED:** NO

### **APPLICANT'S REQUEST**

His Date of Rank (DOR) be changed from 14 Oct 21 to 29 Sep 21.

### **APPLICANT'S CONTENTIONS**

His request is consistent with the guidance contained within ARPCM 23-34, dated 16 Jan 24, which denotes Secretary of Defense (SecDef) approval as the correct promotion date for a Position Vacancy promotion. His current DOR, 19 Oct 21, is based on the public release date as specified by ARPCM 21-27, and breaches the DOR eligibility cut-off date for promotion board consideration, which is at the end of a fiscal year, the end of September. This incorrect DOR extends his promotion opportunity to Colonel by an additional year to Fiscal Year (FY) 26 instead of FY25. ARPCM 21-27, dated 7 Oct 21, incorrectly used the public release as the DOR when it should have used the SecDef approval as reflected by ARPCM 23-34. The few days difference in his DOR negatively affects his ability to be promoted on time.

The applicant's complete submission is at Exhibit A.

### **STATEMENT OF FACTS**

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

On 6 Jan 17, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant honorably separated from active duty in the grade of major (O-4).

On 7 Jan 17, according to Reserve Order PC-XXX, dated 10 Jan 17, he was appointed a Reserve of the Air Force in the grade of O-4.

On 7 Oct 21, ARPCM 21-27, *Release Instructions – CY21 United States Air Force Reserve Line and Nonline Lieutenant Colonel Selection Boards – V0521A, W0521A, U0521A*, was released and reflects the applicant was selected for a PV promotion to lieutenant colonel with a projected DOR of 14 Oct 21.

On 14 Oct 21, according to Reserve Order ROBA-XXXX, dated 17 Nov 21, he was promoted in the Reserve of the Air Force to lieutenant colonel (O-5) with a DOR and Effective DOR of 14 Oct 21.

For more information, see 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**

**ARPCM 21-27**, *Release Instructions – CY21 United States Air Force Reserve Line and Nonline Lieutenant Colonel Selection Boards – V0521A, W0521A, U0521A*, dated 7 Oct 21:

2. *Public Release*: 14 October 2021, first duty hour. Do not inform officers of their status until the public release date.

4. *Date Of Rank (DOR) And Promotion Effective Date (PED)*. b. The DOR and PED for PV selects will be the date the officer completes the required 5 years TIG or public release of the results, whichever is later.

**Air Force Instruction (AFI) 36-2504**, *Officer Promotion, Continuation and Selective Early Removal in the Reserve of the Air Force*, (9 Jan 03, Certified Current 22 Jan 10):

Table 5.2. Date of Rank.

R U L E	A		B
	If an officer with no pending propriety of promotion action	then the DOR is	
4	Is selected by a PV board for promotion to captain, major or lieutenant colonel to fill a USAFR unit, IMA, or USAFR AGR higher grade vacancy	<b>The public release date of the promotion list</b> (Notes 2 and 3).	

Notes:

2. DOR will never be earlier than public release date.

3. AGR's will pin on new rank only if USAFR strength limits are not exceeded and the promotion is approved by HQ USAF/RE. (AGRs may delay declination of promotion until the date released from the tour.

**AFI 36-2504**, *Officer Promotion, Continuation and Selective Early Removal in the Reserve of the Air Force*, 4 Aug 23:

Table 6.1 Date of Rank.

RULE	If an officer with no pending promotion propriety action:		then the DOR is:
4	Is selected by a Position Vacancy board for promotion to major or lieutenant colonel to fill an AFR unit, IMA, or Active Guard/Reserve higher grade vacancy	Upon SecDef appointment or when the officer completes the TIG specified in the release instructions, whichever is later (Notes: 2, 3, and 4).	

Note 2: A selection board recommendation list does not become a promotion list until after the approval authority (normally PDUSD (P&R)) approves the board report. DOR is the date the officer completes the required TIG, the date SecDef appoints the officers; or 1 October, whichever is later.

## AIR FORCE EVALUATION

ARPC/PB recommends denying the request. The public release date for U0521A was 14 Oct 21. Per AFI 36-2504, dated 9 Jan 03 and ARPCM 21-27, dated 7 Oct 21, the applicant's DOR and PED was established as 14 Oct 21, which was the public release date as he had already met the

required 5-year time in grade (TIG) criteria. The applicant was selected for promotion to lieutenant colonel by the CY21 USAFR Lieutenant Colonel Position Vacancy Board (U0521A). The guidance contained within ARPCM 21-27, dated 7 Oct 21, paragraph 4b, states “The DOR and PED for PV selects will be the date the officer completes the required 5 years TIG or public release of the results, whichever is later,” is in accordance with the guidance utilized at the time of the U0521A board release, AFI 36-2504, dated 9 Jan 03, Table 5.2., *Date of Rank*, Rule 4. “If an officer with no pending propriety of promotion action is selected by a PV board for promotion to captain, major, or lieutenant colonel to fill a USAFR unit, IMA, or USAFR AGR higher grade vacancy, then the DOR is the public release date of the promotion list.”

Almost two years after the U0521A board results were released, an updated version of AFI 36-2504, dated 4 Aug 23, was published and implemented. Per the new guidance, Table 6.1, *Date of Rank*, Rule 4, now reads “If an officer with no pending promotion propriety action is selected by a PV board for promotion to major or lieutenant colonel to fill an AFR unit, IMA, or AGR higher grade vacancy, then the DOR is upon SecDef appointment or when the officer completes the TIG specified in the release instructions, whichever is later.”

The request to backdate the applicant’s DOR should be denied. At the time of release, the ARPC Selection Board Secretariat complied with the guidance in place at the time regarding DOR and PED. Therefore, the applicant’s DOR and PED are correct.

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 23 Sep 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 ARPC/PB and finds a preponderance of the evidence does not substantiate the applicant’s contentions. Therefore, the Board recommends against correcting the applicant’s records.

## **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-2024-02844 in Executive Session on 8 Apr 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 11 Jul 24.

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

Exhibit C: Advisory Opinion, ARPC/PB, w/atchs, dated 11 Sep 24.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 13 Sep 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.

**X**

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Board Operations Manager, AFBCMR