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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-03468

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COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

1. His Letter of Admonishment (LOA) and all associated derogatory information be removed and expunged from his official military records.
2. He be issued a Memorandum for Record (MFR) or Adverse Information Summary (AIS), if his request for removal of the LOA is denied.
3. His letter to the Calendar year 2024A (CY24A) Major's United States Space Force (USSF) Line of the Space Force-Operations (LSF-O) Central Selection Board (CSB) with the subject "Matters of record important to my consideration for promotion" dated 20 March 2024 and signed 25 March 2024 be removed from his Officer Selection Record (OSR).

APPLICANT'S CONTENTIONS

His request is based on a review of similar cases, change in command during his investigation, the return of his sensitive compartmented information (SCI) clearance, his approved interservice transfer from the Air Force to Space Force during this period, and documented improvements in his performance post-investigation. He believes a less severe response was warranted initially, particularly concerning the non-correction of the memorandum title in the downgrade of his Letter of Reprimand (LOR) to an LOA, the omission of supporting documents from his rebuttal, and the possibility of a memorandum for record in lieu of formal administrative action. His subsequent positive contributions and performance as an officer warrants expungement of the derogatory documentation from his record to ensure a fair and accurate representation of his service.

He completed a polygraph and disclosed his accidental removal of a notebook from his workplace, as well as having a relationship with a foreign national. He used the notebook to take meeting notes and would have reported his foreign contact much earlier had he known how far their relationship would have developed. He self-reported to the National Air and Space Intelligence Center (NASIC) security office, which prompted a security investigation. He received his leadership support and backing for a timely return to duty. However, midway through his security investigation, his squadron held a change of command, and his new commander determined an LOR was appropriate. He submitted a rebuttal, and the LOR was downgraded to an LOA. Nevertheless, the subject line of his LOA remains to be an LOR. While the misclassified reprimand is not in an unfavorable information file, control roster, or referral officer performance

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report, it is in his personnel information file (PIF). Moreover, the Personnel Records Display Application (PRDA) database classifies the adverse action as a Reprimand instead of an Admonition. A board member or any person who may come in possession of this digital document will see “reprimand” instead of “admonition,” and confuse its classification. He wanted to prove to himself and his leadership that less severe action was warranted and that he could be trusted to lead, follow, and guide others. Therefore, he continued to serve until the security team completed their investigation. The investigation concluded, he returned to duty, his clearance was restored, and leadership advocated for his commission into the Space Force.

His commander is prohibited from removing the LOA based on the specific language of Department of the Air Force Instruction (DAFI) 36-2907, *Adverse Administrative Actions*.

The applicant’s complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Space Force captain (O-3).

On 9 November 2021, the applicant was issued an LOR for removing a black notebook containing top secret classified material from his work section at least five or six times during the period of January 2019 to December 2020. Additionally, he failed to report dating and cohabitating with a foreign national. The applicant acknowledged receipt of the action and submitted matters in writing on 15 November 2021.

On 18 November 2021, after considering all the matters presented, the applicant’s commander determined the applicant engaged in the noted conduct; however, he decided to downgrade the LOR to a LOA. The applicant acknowledged the commander’s final decision, and the action would be placed in an Unfavorable Information File (UIF).

On 5 August 2024, the applicant acknowledged receipt of his non-selection (first time) for promotion by the CY24A Maj LSF-O CSB.

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

APPLICABLE AUTHORITY/GUIDANCE

DAFI 36-2907, paragraph 1.2. ***Adverse Information for Total Force Officer Selection Boards Overview.*** All adverse information an officer receives will be filed in the OSR and will be considered by promotion selection, special selection, federal recognition (ANG specific), and selective continuation boards to the grade of O-4 and above (to include processes for O-3 promotions that have “extraordinary adverse information” per Department of Defense Instruction (DoDI) 1320.14, *DoD Commissioned Officer Promotion Program Procedures*).

1.2.1. Adverse information is any substantiated finding or conclusion from an officially documented investigation or inquiry or any other credible information of an adverse nature. To be credible, the information must be resolved and supported by a preponderance of the evidence. To be adverse, the information must be derogatory, unfavorable, or of a nature that reflects clearly unacceptable conduct, integrity, or judgment on the part of the individual. Command action taken

because of information presented in an SF or OSI Report of Investigation is considered adverse information and must be filed in the OSR if a letter of admonishment or higher was issued.

1.2.4. Approved court-martial findings of guilt are retained in the OSR permanently unless the findings are overturned on appeal or set aside in their entirety, and the member is not subsequently found guilty at a rehearing or new trial. If removed from the OSR for this reason, this is not considered adverse information and will not be filed in the MPerRGp. All other adverse information filed in the OSR will remain in the OSR.

1.2.7. *Additional Information Pertinent to Officially Documented Investigations or Inquiries.* In the event that an officially documented investigation or inquiry concludes with a substantiated finding and a commander (or equivalent) decides not to issue written command action (e.g., Record of Individual Counseling (RIC), LOC, LOA, LOR, and Non-Judicial Punishment), to include verbal counseling, the findings and the commander's decision must still be documented and filed in the MPerRGp and OSR via a MFR and AIS. The AIS must include the following: (1) grade and position at time of allegation, (2) summary of what the officer did, (3) investigating agency, (4) findings, (5) date findings approved, (6) command actions taken (e.g., verbal counseling or no command action), and (7) reason for command action (or no command action).

1.2.12. Removing Officer Adverse Information from the OSR. Following the 10-year disposition period, the AFPC Special Programs office notifies the ARMS program manager for removal of adverse information from an officer's OSR, unless the adverse information meets the exception to the 10-year retention rule as outlined in paragraph 1.2.4 and paragraph 1.2.5.1 for retention beyond 10-years. (See also paragraph 1.2.4.2, removal after consideration by the Senate).

AIR FORCE EVALUATION

AFPC/DPMSSM recommends denying the applicant's request for the removal of his LOA. The available documentation and analysis of the facts, reflect there is insufficient evidence of an error or injustice. The applicant was issued the LOA in accordance with DAFI 36-2907. All adverse information as defined by this instruction will be permanently placed in the Master Personnel Record Group (MPerRGp). Except for the set aside of a court-martial or nonjudicial punishment, removal of adverse information from the MPerRGp may only be directed pursuant to an Air Force Board for Correction of Military Records (AFBCMR) recommendation.

The complete advisory opinion is at Exhibit C.

AFPC/DPMSPS recommends approval of the applicant's request for the removal of his letter to the CY24A Major's USSF LSF-O CSB dated 20 March 2024 and signed 25 March 2024. Officers eligible for promotion consideration may send written communication to the board calling attention to any matter the officer considers important. Based on the submission of the letter to the CSB being a voluntary/member-initiated action, removal request is applicable.

The complete advisory opinion is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinions to the applicant on 20 February 2025 for comment (Exhibit E) 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 AFPC/DPMSSM and finds a preponderance of the evidence does not substantiate the applicant's contentions. While the Board notes AFPC/DPMSP's recommended approval of the applicant's request for the removal of his letter to the CY24A Major's USSF LSF-O CSB dated 20 March 2024 and signed 25 March 2024, this letter was specific to that board, which did not promote the applicant, making its removal unnecessary. In addition, since the Board is not recommending the removal of the Letter of Admonishment, the applicant is ineligible for a Special Selection Board. Therefore, the Board recommends against correcting the applicant's records.
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-2024-03468 in Executive Session on 30 May 2025:

Work-Product, Panel Chair

Work-Product, Panel Member

Work-Product, Panel Member

All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 1 October 2024.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSSM, dated 11 December 2024.
- Exhibit D: Advisory Opinion, AFPC/DPMSP, dated 31 December 2024.
- Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 20 February 2025.

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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.

8/14/2025



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Board Operations Manager, AFBCMR
Signed by: USAF

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