

Work...



Work... Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2025-00009

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His letter of reprimand (LOR) dated 8 Mar 23 be removed from his officer selection record (OSR).

APPLICANT'S CONTENTIONS

Nothing can vindicate him of his prior actions. However, he refuses to let it overshadow his career. His former air base wing commander (ABW/CC) noted on his AF Form 709, *Promotion Recommendation Form*, that he has owned and recovered from his Mar 23 LOR. He has since been stratified as number one of four company grade officers (CGO) and was selected as the 2024 Dental Flight CGO Annual Award nominee.

He was recently nonselected for promotion by the CY24A Major Medical Corps/Dental Corps (MC/DC) Central Selection Board (CSB). He is seeking selection to the Air Force Dental Residency Program.

He implores the Board to consider how the experience has rectified his outlook and produced the officer sought for future leadership. He made an irrational decision. Due to extended efforts to remediate and persevere and a lack of certifying evidence of nonjudicial action, he requests the deletion of derogatory information from his OSR.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a captain (O-3) in the Regular Air Force.

On 8 Mar 23, the applicant received a LOR from his wing commander (WG/CC). An investigation disclosed that on or about 4 Dec 22, he was absent from his place of duty without authority. He did not take leave when he knew he was required to in order to fly to mainland Japan. Additionally,

AFBCMR Docket Number BC-2025-00009

Work... Work-Product

Controlled by: SAF/MRB

Work-Product

Limited Dissemination Control: N/A

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

Work...

he lied to his supervisor about his whereabouts when he was ordered to return to work due to a mandatory recall. It was not until he knew he would not be able to make it to work in time for the mandatory recall that he finally told the truth about his whereabouts.

On 8 Mar 23, the applicant acknowledged the LOR and on 14 Mar 23 submitted his response to the LOR. The applicant indicated accruing leave had been difficult. Due to completion of his post-graduate residency, his brother's wedding, COVID 19 and his report not later than date (RNLTD) to his new unit, he ran into a dilemma with exhausting his leave. He requested his RNLTD be delayed; however, his request was denied. His friends recommended a trip to the mainland. Since he would be off 1 to 4 Dec 22 as comp/goal days, he arranged to go to Osaka to help a friend feel better about being so far from home. The decision would have been aborted had he known the actual consequences of being absent without leave (AWOL). On 4 Dec 22, the WG/CC initiated a recall. As he saw the text on his phone, he felt an immediate state of shock and reported his presence in the local area. His squadron commander (SQ/CC) announced a follow-on in-person recall. He then reported he was sick and unable to present to the clinic. His supervisor coordinated with a colleague to check on him and as he collected his thoughts, he recognized he made a terrible mistake. He called his supervisor and reported his wrongdoing. Unfortunately, he disobeyed a general's order and defied the first core value of the Air Force. He owned up to his decisions and accepted responsibility.

His WG/CC indicated he considered the applicant's response submitted on 13 Mar 23 and decided to sustain the LOR.

On 21 Mar 24, the major command judge advocate (JA) determined in accordance DAFI 36-2907, the adverse information involved a single act which if tried by court-martial could have resulted in the imposition of a punitive discharge and confinement for more than one year. Accordingly, the exception to the retention rule was met and determined that the adverse information should be retained in the OSR permanently.

On 10 May 23, the applicant acknowledged receipt of the final disposition of the LOR.

On 25 Nov 24, the applicant was informed and acknowledged his non-selection for the CY24A Major MC/DC CSB.

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

APPLICABLE AUTHORITY/GUIDANCE

Per 10 U.S.C. § 615(a)(3), DoDI 1320.14, *DoD Commissioned Officer Promotion Program Procedures*, DAFI 36-2907, *Adverse Administrative Actions* and DAFI 36-2501, *Officer Promotions and Selective Continuation*, All adverse information an officer receives will be filed in the OSR and be considered by promotion selection, special selection, and selective continuation boards to the grade of O-4 and above (to include processes for O-3 promotions that have

extraordinary adverse information). 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 adverse, the information must be derogatory, unfavorable or of a nature that reflects unacceptable conduct, integrity or judgement on the part of the individual. Adverse information includes but is not limited to any substantiated finding or conclusion from an investigation or inquiry, regardless of whether command action was taken, court-martial findings of guilt, NJP pursuant to Article 15, LOR, letter of admonishment, relief of command for cause, removal from developmental education for cause, and letter of counseling. All adverse information as defined will be permanently placed in the record. Except for set aside of a court-martial or NJP action, removal of adverse information from the records may only be directed by an AFBCMR recommendation.

DAFI 36-2907, *Administrative Adverse Actions*, paragraph 2.4.3, The LOR issuing authority, after considering any comments submitted by the member, must inform the member within three duty days of their decision as to the final disposition of the action.

AIR FORCE EVALUATION

AFPC/DPMSSM (Special Programs) recommends granting the request. There is sufficient evidence of an error or injustice. The issuing authority did not adhere to the procedures outlined in DAFI 36-2907. The applicant acknowledged receipt of the LOR on 8 Mar 23 and provided a response on 13 Mar 23. On 10 May 23, the issuing authority considered the response and elected to sustain the LOR. However, the issuing authority did not inform the applicant of the final disposition within three duty days after receiving the response in accordance with DAFI 36-2907, paragraph 2.4.3.

The complete advisory opinion is at Exhibit C.

AF/JAJI recommends denial and finds insufficient evidence to recommend relief on the basis of a legal error. The applicant does not contest the appropriateness of the LOR and accepts responsibility for his misconduct. He requests removal because he was not selected for promotion during the CY24A Major MC/DC CSB, which he attributes to the LOR. He is also seeking selection to a dental residency program, which he believes will be hindered by the LOR.

AFPC provided an advisory recommending granting the request on a perceived procedural error. However, they have misstated and misinterpreted the requirement of DAFI 36-2907, paragraph 2.4.3. In accordance with the paragraph, the LOR issuing authority, after considering any comments submitted by the individual, must inform the member within three duty days of their decision as to the final disposition of the action. The issuing authority is not required to inform the member of their decision within three duty days of receiving the member's response. There is no procedural error with the applicant's LOR.

The note on page 60, in Attachment 5, Sample Administrative Letter, does raise some concern about a contradiction with paragraph 2.4.3. It states in the 3rd Ind, "should" be dated within three

duty days. The key word is “should.” In accordance with DAFMAN 90-161, *Publishing Processes and Procedures*, compliance language in an Air Force publication includes “will” or “must.” “Should” is not compliance language and makes the action of dating the third indorsement within three duty days not mandatory.

The complete advisory opinion is at Exhibit D.

APPLICANT’S REVIEW OF AIR FORCE EVALUATION

The Board sent copies of the advisory opinions to the applicant on 2 May 25 for comment (Exhibit E) but has received no response.

FINDINGS AND CONCLUSION

1. The application was timely filed.
2. The applicant exhausted all other available administrative remedies 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 AF/JAJI and finds a preponderance of the evidence does not substantiate the applicant’s contentions. The Board notes AFPC/DPMSSM recommends removing the LOR due to an administrative error. However, the Board finds there is no evidence the applicant was denied any due process rights. The administrative error does not rise to a level of an injustice to warrant removal of the LOR. Moreover, the applicant acknowledges he committed the misconduct for which he received the LOR but requests the Board remove it based on his remediation and perseverance. However, per 10 U.S.C. § 615 and DAFI 36-2907, the LOR is required to be filed in his records. The applicant has not sustained his burden of proof to warrant removal of the LOR. 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-2025-00009 in Executive Session on 24 Oct 25:

Work-Product

Panel Chair

AFBCMR Docket Number BC-2025-00009

Work... Work-Product

Work...

Work... Work-Product

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 27 Dec 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSSM, dated 19 Mar 25.
- Exhibit D: Advisory Opinion, AFPC/JAJI, dated 27 Apr 25.
- Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 2 May 25.

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.

1/28/2026

| | |
|--------------|--|
| Work-Product | |
|--------------|--|

Board Operations Manager, AFBCMR
Signed by: USAF

AFBCMR Docket Number BC-2025-00009

Work... Work-Product

Work...