

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2025-03254

XXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His official military personnel records amended to:

1. Overturn substantiated Secretary of the Air Force Inspector General (SAF/IGS) investigation (XXXXXX) findings.
2. Remove all derogatory information, Senior Officer Unfavorable Information File (SOUIF), and Adverse Information Summaries.
3. Reinstate him to the Calendar Year 2021 (CY21) Major General Selection Board list with immediate promotion to Major General and promotion date retroactive to his ranking on the CY21 board. [**Outside Air Force Board for Correction of Military Records (AFBCMR) authority**]
4. Award backpay to retroactive date of promotion to Major General.
5. Rehabilitate his career with commensurate training.
6. Nominate him for a Lieutenant General position commensurate with his peers who were promoted on the CY21 board.
7. Extend his mandatory retirement date until his promotion takes effect.

Additionally, the applicant requested the former Inspector General (TIG) and the Investigating Officer (IO) be investigated for violations of statutes and regulations related to his case. The applicant further requested a task force be implemented and charged with reforming SAF/IG, Department of Defense Inspector General (DoD IG), Secretary of the Air Force General Counsel (SAF/GC), and the Air Force Judge Advocate (AF/JA). [**Outside AFBCMR authority**]

APPLICANT'S CONTENTIONS

Numerous agencies, to include SAF/IGS, SAF/IGQ, DoD IG, SAF/GC, and AF/JA abused their power by violating numerous laws, rules, and regulations throughout the investigation and follow-on actions. Given the political climate and Diversity, Equity, and Inclusion (DEI) policies in place at the time, SAF/IGS implemented unethical methods to target a traditional leader who focused on meritocracy, mission accomplishment, accountability to a standard of excellence, and commonsense COVID measures. SAF/IGS completely disregarded well-understood principles of chain of command and commander decision authority. Per the applicant, the Air Force's and DoD's handling of this case violated fundamental principles of due process, fairness, and statutory authority under Title 10, United States Code § 624 (10 USC § 624) and § 628, DoD Directive (DoDD) 7050.06, *Military Whistleblower Protection*, Air Force Instruction (AFI) 90-301, *Inspector General Complaints Resolution*, AFI 1-2, *Commander's Responsibilities*, Department of the Air Force Manual (DAFMAN) 1-101, *Commander Directed Investigations*, and Department of the Air Force Instruction (DAFI) 36-2501, *Officer Promotions and Selective Continuation*. These violations stemmed from an overzealous and arbitrary application of standards influenced by DEI-linked policies and the numerous unlawful responses to the COVID-19 pandemic. The actions of the Secretary of the Air Force (SecAF), TIG, and IO inflicted extensive and irreparable harm on the applicant and his family, resulting in a complete loss of trust in the system and past DoD leadership. The applicant further contended their

actions inflicted significant moral injury on both the applicant and his family. The applicant provided a brief summary of his service in support of his contentions.

In a separate memorandum to the Board, the applicant further contended the IG process was weaponized against him. The aforementioned agencies prioritized their focus on DEI, and their desire to politically influence the General Officer corps tainted the investigation to reach a predetermined outcome. Both the directed promotion board composition and the instructions to the board to consider immutable characteristics in their promotion decisions evidence and agenda by the previous administration to impede career progression for people who do not meet the definition of an underserved community as defined in the DoD Diversity, Equity, Inclusion, and Accessibility Strategic Plan 2022-2023. But when the applicant's strong record was selected for promotion during his first look in the fall of 2021, despite these DEI obstacles, Air Force leadership subsequently weaponized the IG system to cancel his promotion and force an earlier retirement. DEI principles and philosophies embedded within the SAF agencies generated and then guided his entire investigation.

After initially being selected for major general, their actions denied the applicant a highly competitive two-star joint position. According to the applicant, he was ostracized by the Air Force General Officer Management Office and denied all formal education and training courses since this investigation commenced. As his peers advanced, he had to explain why he remained in the same location for the last three-plus years when he should have had a permanent change of station or assignment to a different location following his deployed command. Per the applicant, he lost several years of career progression while being denied any form of due process or objective review.

In Jan 22, SAF/IGS dismissed an IG complaint against the applicant, notably from his deployed Judge Advocate (JAG), with seven allegations ranging from hostile work environment to numerous fraud, waste, and abuse accusations. No evidence of wrongdoing was discovered. Instead of closing the case in accordance with AFI 90-301, the IO crafted an unsupported allegation of failing to establish and maintain a healthy command climate, failed to thoroughly investigate it, and ignored all exculpatory evidence that refuted it. This stemmed from an ideological divide; his merit-based leadership, prioritizing lethality and accountability, clashed with the prior administration's DEI focus on inclusion. The IO, viewing events through a Marxist oppressor-oppressed lens, cherry-picked subjective complaints from a handful of disgruntled officers while ignoring 29 key witnesses, including the applicant's commander, subordinate commanders, and senior enlisted leaders, whose testimony would have invalidated the IO's substantiated conclusion. The complainant, the applicant's deployed JAG, had clearly made false allegations, yet his credibility remained unchallenged, as did the credibility of other key witnesses. The applicant further contended the IO applied an improper Equal Opportunity (EO)-like standard, piecing together unrelated incidents over six months, contrary to IG protocols. Per the applicant, his COVID policies, approved by his commander, were heavily criticized by the IO despite being within the applicant's authority and enhancing airmen's health and mission readiness. The investigation was conducted remotely from the Pentagon without a base visit and ignored operational context, which undermined its legitimacy.

According to the applicant, his commander fully supported his leadership, recognizing the wing's positive climate and the mission demands. The applicant's follow-on commander took no action after reviewing the evidence. Yet, the SecAF convened a Special Selection Review Board (SSRB) that violated 10 USC § 624(d) and AFI 36-2501 by including post-board events. The applicant's promotion was delayed illegally for two years without notification of delay or due process, and the SecAF and Secretary of Defense (SecDef) ultimately recommended to the President of the United States that the applicant be removed from the CY21 board promotion list. This decision was executed via autopopen by the President's staff in spring of 2024. There is no evidence the President was aware of this decision, a possible violation of governing laws.

In support of his application for relief, the applicant provided detailed multiple contentions regarding the background and handling of the SAF/IGS investigation and follow-on actions, summarized below. The applicant contended the SAF/IGS investigation failed to follow legal and procedural requirements, specifically: bias and tunnel vision; exclusion of key witnesses; disregarding exculpatory evidence; failure to incorporate key evidence submitted in response and rebuttal, and no witness credibility analysis. The applicant, via counsel, requested appointment of a technical advisor in accordance with AFI 90-301. Per the applicant, the civilian IO with no flying background conducted the entire investigation over the phone from his office in the Pentagon. The IO never visited the base or the Area of Responsibility, nor sent any representatives. The applicant identified areas where a technical advisor would have assisted the IO in weighing all the extenuating factors.

The applicant further contended, on 21 Nov 22, TIG signed an indorsement stating he reviewed the ROI and accompanying legal review and concurred with their findings. The applicant did not receive a response to his memo identifying the legal and procedural errors, and no actions were taken to correct issues identified by the applicant's counsel; per the applicant, the legal errors were wholly ignored. According to the applicant, TIG called him to deliver the final ROI results and claimed he alone sufficed as the technical advisor even though he did not meet any of the experience criteria required, demonstrating yet another conflict of interest.

Additionally, the applicant contended his COVID command decisions were clearly within his authority and increased the health of the airmen. He further contended he submitted a complaint to DoD IG, requesting review of the SAF/IGS investigation, in accordance with DoDD 5505.06. *Investigations of Allegations Against Senior DoD Officials*. The DoD IG delegated his complaint regarding the SAF/IG investigation deficiencies back to SAF/IG for reviewing, creating a conflict of interest. The applicant also detailed his contentions regarding the SSRB and promotion delays, stating his promotion was put on hold in early 2022, well before the investigation was complete and without any legally required delay notification by the SecAF. In May 23, an SSRB was convened to reconsider the applicant's CY21 board promotion considering the substantiated allegation. The SSRB was convened even though the allegations occurred after the date of records for the CY21 board and did not exist at the time the original board convened.

The applicant also contended TIG abused his authority, alleging influence on the applicant's 15 Aug 22 Promotion Recommendation Form (PRF) stratification during a conversation with the applicant's rater. Per the applicant, TIG pre-judged the conclusion of the investigation which did not conclude until Nov 22, well after the CY22 PRF date. The TIG-initiated conversation, relating to an ongoing investigation, unfairly and improperly influenced his rater's stratification decision, ending the applicant's chances for future promotion. The applicant further contended TIG failed to respond to formal submission by the applicant and his counsel, violating due process and basic standards of formal military and legal communication.

Per the applicant, the ROI over-relied on an unreliable and unscientific morale survey, citing a Nov 21 informal survey the applicant commissioned, with a 19.5 percent response rate, to allege discontent, despite its statistical flaws, insecure nature, bias, low participation, and anonymity issues, violating AFI 90-301's creditable evidence requirement. The applicant contended the IO cherry-picked negative comments while ignoring the impressive 72.63 percent positive responses contradicting the unhealthy climate narrative.

The applicant also contended there were Air Force Rules of Professional Conduct (AFRPC) violations. On 26 Sep 23, the applicant filed a complaint with the Judge Advocate General's (TJAG) Professional Development Directorate alleging the legal advisor for the SAF/IGS case

violated the AFRPC regarding requirements for legal review in accordance with AFI 90-301. On 18 Dec 23, the applicant was notified TJAG considered his complaint and the matter was closed.

According to the applicant, the IO also applied the wrong standard in the investigation. In the ROI, the IO stated the applicant failed to establish and maintain a healthy command climate in violation of AFI 1-2. The standard used was not an IG standard, but was effectively an EO-like standard, which should not be used in IG investigations. The IO pieced together disparate examples spread over six months, through a biased lens that discounted command authority and the chain of command. Per the applicant, his decisive leadership style was penalized based on selective subordinate dissatisfaction rather than specific breaches, despite the instruction and the IG's own admission granting commanders wide latitude. The IO also failed to mention or consider responsibilities of the intervening levels of command.

The applicant further contended the IO's use of the applicant's email policy as an example that he was hindering communication and lacked trust did not reflect common sense. Per the applicant, the email policy was very successful at ensuring good order and discipline and, based upon thousands of emails he received from his subordinates, was a success by improving communications, not hindering them.

Finally, the applicant contended he filed eight Freedom of Information Act (FOIA) requests beginning in Jul 23 and continuing through Apr 24. Federal law requires the government respond to the applicant's FOIA request within 20 business days. After not receiving requested information for 12 months, a federal lawsuit was filed on the applicant's behalf by Judicial Watch in Jul 24. However, the Air Force and DoD have still not provided a single requested document in over 26 months, clearly violating the spirit and intent of the law to provide the requested information in a timely manner. Per the applicant, he was recently provided a handful of highly redacted emails, but they fall outside the requested time frame and locations.

The applicant concluded his case should have been timely dismissed and removed from his record based on the SecDef's policy, *Restoring Good Order and Discipline Through Balanced Accountability*, dated 23 Apr 25. In anticipation of the applicant's forced statutory retirement after five years of service in the grade of brigadier general, the Air Force conducted an Officer Grade Review. The IG report was considered against the backdrop of his actions and leadership in the grade of brigadier general. The results were the applicant acted honorably as a brigadier general, including during his deployed command, and he would retain his grade.

In a subsequent communication, the applicant requested the Board consider the Secretary of War memorandum, Subject: *IG Oversight and Reform: Enhancing Timeliness, Transparency, and Due Process in Administrative Investigations*, dated 30 Sep 25.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air Force brigadier general (O-7).

According to AF Form 78, *Air Force General Officer Promotion Recommendation*, for the period 3 Apr 19 – 31 Jul 20, signed 10 Nov 20, the applicant was not eligible for promotion this cycle.

According to AF Form 78, for the period 1 Aug 20 – 31 Jul 21, signed 10 Aug 21, the applicant was eligible for promotion this cycle with an indorser's numerical rank of 1 of 4.

Effective 15 Jun 22, according to the applicant's *General Officer Personnel Brief*, he was assigned to the XXXXX as XXXXX.

According to a SAF/IGS ROI (XXXXX), dated Nov 22, an allegation that between on or about Jul 21 and on or about Jan 22, the applicant failed to establish and maintain a healthy command climate, in violation of AFI 1-2, dated 8 May 14, was substantiated. Exhibits listed in the ROI include:

- Applicant Submission of Additional Matters, 9 May 22
- Applicant Second Submission of Additional Matters, 25 Aug 22
- IGS Tentative Conclusion Letter (TCL) to Applicant, 12 Sep 22
- Applicant TCL Response, 26 Sep 22
- Applicant Third Submission of Additional Matters, 10 Nov 22

According to an undated memorandum, Subject: *Preliminary ROI Response*, provided by the applicant, he disagreed with the ROI stating it included numerous violations of AFI 90-301, and the IO fell short of his burden of proof.

On 28 Mar 24, according to a SecDef memorandum, Subject: *Removal of Officer's Name from a Promotion List*, provided by the applicant, a request to remove the applicant's name from the promotion list associated with the CY21 Major General Line of the Air Force Selection Board, was approved by the President of the United States.

Effective 8 Jul 24, according to the applicant's *General Officer Personnel Brief*, he was assigned to XXXXX as XXXXX.

According to AF Form 78, for the period 1 Aug 21 – 3 Jul 22, signed 2 Aug 24, the applicant was not eligible for promotion this cycle.

According to DAF Form 78, *Department of the Air Force General Officer Promotion Recommendation*, for the period 4 Jul 22 – 31 Jul 23, signed 2 Aug 24, the applicant was not eligible for promotion this cycle.

According to DAF Form 78, for the period 1 Aug 23 – 31 Jul 24, signed 13 Sep 24, the applicant was eligible for promotion this cycle with an indorser's numerical rank of 1 of 1.

On 21 Jan 25, according to an AIRCOM/CC memorandum, Subject: *Notification of Initiation of Officer Grade Determination*, provided by the applicant, an officer grade determination was initiated due to the applicant reaching his mandatory retirement date of 1 Sep 25.

According to Special Order XXXXX, dated 10 Jun 25, effective 31 Aug 25, the applicant is relieved from active duty, organization and station of assignment, and retired effective 1 Sep 25 in the grade of brigadier general.

According to Special Order XXXXX, dated 3 Jul 25, Department of the Air Force Special Order XXXXX is rescinded.

According to Special Order XXXXX, dated 31 Jul 25, effective 31 Dec 25, the applicant is relieved from active duty, organization and station of assignment, and retired effective 1 Jan 26 in the grade of brigadier general.

For more information, see the excerpt of the applicant's record at Exhibit B.

APPLICABLE AUTHORITY/GUIDANCE

AFI 90-301, *Inspector General Complaints Resolution*, dated 28 Dec 18 (Incorporating Change 1, 30 Sep 20), Chapter 4 – *Investigating IG Complaints*:

4.18. *Standard of Proof.*

4.18.1. The standard of proof applicable to IG investigations is proof by a preponderance of the evidence. This means that it is more likely than not the wrongdoing has occurred.

4.18.2. IOs must be careful not to apply this standard too mechanically. Quality counts as much as quantity and an IO may choose to believe one witness rather than five others if the one is sufficiently credible and the five are not. In addition, there is no way to measure the weight of a document against the testimony of a witness other than by evaluating credibility as discussed in paragraph 4.19.2.

4.19.2. *What are the facts (what happened)?* Facts are not conclusions, but rather information and data, from which the IO must draw logical conclusions. Each fact contained in the report of investigation must be supported by evidence contained in an exhibit attached to the report. Facts are not always consistent and are often in dispute. The IO is responsible for determining what the facts were at a specific point in time. He or she evaluates the credibility of witness testimony considering factors such as demeanor, bias, motive to lie, knowledge, ability to observe, recency of observations, corroborating evidence, and prior inconsistent statements. The IO must analyze the available evidence and use the preponderance of the evidence standard to make the tough call and arrive at logical/concrete conclusions.

4.26. *When is a Technical Review Necessary?*

4.26.1. Sometimes an IO will be asked to evaluate information or interpret guidance in a technical field beyond his/her normal range of expertise. When this happens, the Appointing Authority should ask for a technical (expert) review of the applicable evidence, findings, and conclusions before the report is sent for a legal sufficiency review.

4.26.1.1. The key question will be how important the technical information is to the overall conclusions in the report.

4.26.1.2. A good faith effort will be made to retain complainant confidentiality. The Technical Advisor should only review the portion of the investigation required to provide the technical assistance and should be advised of the need to maintain confidentiality.

4.26.2. A technical review must explain, in detail, whether the report is technically sufficient. If the report is found to be technically inaccurate or deficient, it will be returned to the IO to be reworked. In this case, the technical review must explain, in detail, the reasons why the report was deficient and the minimum requirements for sufficiency.

DAFI 36-2501, *Officer Promotions and Selective Continuation*, dated 12 Jan 24 (Incorporating Change 2, 2 Sep 25), Chapter 8 – *Guidance on Conducting Special Selection Review Boards for the Grades of Major General and Below*:

8.1. *Authority for Special Selection Review Boards (SSRBs).* SSRBs are conducted under the authority of 10 USC 628a, DoDI 1320.04, DoDI 1320.14 and this instruction. SSRBs are convened as a matter of law, policy, or SecAF discretion. The purpose of the SSRB is to review an officer's selection record; and any credible information of an adverse nature, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry that was not furnished to an officer promotion or special selection board as otherwise required by law, DoD policy, and this instruction, to determine if the recommendation of the original board should be sustained.

8.1.1. SecAF is the convening authority for SSRBs. Prior to the SSRB convening date, a staff package will be forwarded to SecAF identifying the specific SSRBs to be convened. New SSRBs will not be added after SecAF approval of the convening package.

8.1.2. Credible information of an adverse nature that becomes a matter of record after an officer promotion or special selection board convening date is not required to be furnished to a statutory SSRB. At SecAF's discretion, SecAF may direct the convening of a nonstatutory SSRB.

10 USC § 624 - *Promotions: how made*

(d)

(1) Under regulations prescribed by the Secretary of Defense, the appointment of an officer under this section may be delayed if—

(A) sworn charges against the officer have been received by an officer exercising general court-martial jurisdiction over the officer and such charges have not been disposed of;

(B) an investigation is being conducted to determine whether disciplinary action of any kind should be brought against the officer;

(C) a board of officers has been convened under chapter 60 of this title to review the record of the officer;

(D) a criminal proceeding in a Federal or State court is pending against the officer;

(E) substantiated adverse information about the officer that is material to the decision to appoint the officer is under review by the Secretary of Defense or the Secretary concerned; or

(F) the Secretary of the military department concerned determines that credible information of an adverse nature, including a substantiated adverse finding or conclusion described in section 615(a)(3)(A) of this title, with respect to the officer will result in the convening of a special selection review board under section 628a of this title to review the officer and recommend whether the recommendation for promotion of the officer should be sustained.

If no disciplinary action is taken against the officer, if the charges against the officer are withdrawn or dismissed, if the officer is not ordered removed from active duty by the Secretary concerned under chapter 60 of this title, if the officer is acquitted of the charges brought against him, or if, after a review of substantiated adverse information about the officer regarding the requirement for exemplary conduct set forth in section 7233, 8167, or 9233 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion, as the case may be, then unless action to delay an appointment has also been taken under paragraph (2) the officer shall be retained on the promotion list (including an approved all-fully-qualified-officers list, if applicable) and shall, upon promotion to the next higher grade, have the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the active-duty list as he would have had if no delay had intervened, unless the Secretary concerned determines that the officer was unqualified for promotion for any part of the delay. If the Secretary makes such a determination, the Secretary may adjust such date of rank, effective date of pay and allowances, and position on the active-duty list as the Secretary considers appropriate under the circumstances.

(2) Under regulations prescribed by the Secretary of Defense, the appointment of an officer under this section may also be delayed in any case in which there is cause to believe that the officer has not met the requirement for exemplary conduct set forth in section 7233, 8167, or 9233 of this title, as applicable, or is mentally, physically, morally, or professionally unqualified to perform the duties of the grade for which he was selected for promotion. If it is later determined by a civilian official of the Department of Defense (not below the level of Secretary of a military department) that the officer is qualified for promotion to such grade and, after a review of adverse information regarding the requirement for exemplary conduct set forth in section 7233, 8167, or 9233 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion to such grade, the officer shall be retained on the promotion list (including an approved all-fully-qualified-officers list, if applicable) and shall, upon such promotion, have the same date of rank, the same effective date for pay and allowances in the

higher grade to which appointed, and the same position on the active-duty list as he would have had if no delay had intervened, unless the Secretary concerned determines that the officer was unqualified for promotion for any part of the delay. If the Secretary makes such a determination, the Secretary may adjust such date of rank, effective date of pay and allowances, and position on the active-duty list as the Secretary considers appropriate under the circumstances.

(3) In the case of an officer whose promotion is delayed pursuant to paragraph (1)(F) and whose recommendation for promotion is sustained, authorities for the promotion of the officer are specified in section 628a(f) of this title.

(4)

(A) Except as provided in subparagraph (B), the appointment of an officer may not be delayed under this subsection unless the officer has been given written notice of the grounds for the delay, unless it is impracticable to give such written notice before the effective date of the appointment, in which case such written notice shall be given as soon as practicable. An officer whose promotion has been delayed under this subsection shall be afforded an opportunity to make a written statement to the Secretary concerned in response to the action taken. Any such statement shall be given careful consideration by the Secretary.

(B) In the case of an officer whose promotion is delayed pursuant to paragraph (1)(F), requirements applicable to notice and opportunity for response to such delay are specified in section 628a(c)(3) of this title.

(5) An appointment of an officer may not be delayed under this subsection for more than six months after the date on which the officer would otherwise have been appointed unless the Secretary concerned specifies a further period of delay. An officer's appointment may not be delayed more than 90 days after final action has been taken in any criminal case against such officer in a Federal or State court, more than 90 days after final action has been taken in any court-martial case against such officer, or more than 18 months after the date on which such officer would otherwise have been appointed, whichever is later.

DAFI 36-2907, *Adverse Administrative Actions*, dated 14 Oct 22 (Incorporating Change 2, 18 Jul 25), Chapter 1 – *Overview, Roles, and Responsibilities*:

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*).

1.2.7. *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 (sample provided at Attachment 6) and Adverse Information Summary (AIS) (sample provided at Attachment 7).

1.2.11. Unless otherwise directed, general officers with adverse information not documented in their officer performance report or their OSR will continue to have a Senior Officer Unfavorable Information File (SOUIF) created for consideration by a selection board (guidance on SOUIF is provided in DAFI 90-301).

FINDINGS AND CONCLUSION

1. The application was timely filed.
2. The applicant exhausted other available administrative remedies before applying to the Board.

3. After reviewing all Exhibits, the majority of the Board concludes the applicant is the victim of an injustice. The majority of the Board finds a preponderance of the evidence substantiates the applicant's contentions, in part. Specifically, the Board unanimously found that while the applicant contended the SAF/IGS investigation was influenced by DEI initiatives and he was targeted as a whistleblower in violation of DoD guidance, there were no issues or circumstances associated with DEI initiatives or underserved communities addressed in the ROI, and the evidence provided by the applicant regarding his DoD IG complaint reflects this memorandum was submitted after the SAF/IGS investigation concluded and the ROI was written; therefore, the investigation and subsequent substantiated finding could not be considered an act of reprisal/retaliation for this protected communication. Furthermore, adverse actions taken as a result of the substantiated finding were mandated by AFI 90-301 and DAFI 36-2907. Additionally, the applicant's contentions regarding documentation submitted for consideration, as well as his rebuttal to the preliminary ROI, being wholly ignored are contradicted by the ROI where those submissions were specifically addressed and included in the exhibits. Also presented in the ROI was the standard of proof of a preponderance of the evidence utilized to substantiate the allegation, in accordance with AFI 90-301, contradicting the applicant's contention the IO applied an EO-like standard during the investigation. Further, the Board unanimously found the applicant's contentions regarding weaponization of the unit morale survey were not compelling. While the ROI provided a detailed analysis of the morale survey findings, both positive and negative, in contradiction to the applicant's contention of cherry-picking, in contrast, the applicant's more general assessment described the survey as unreliable and unscientific, with statistical flaws, insecure nature, bias, low participation, and anonymity issues while simultaneously applauding the 72.63 percent positive responses. Additionally, the ROI addressed the disparity between the morale survey results and the substantiated allegation explaining, according to witness testimony, the impact of the applicant's command style was predominantly felt at the more senior officer leadership level who, in turn, insulated subordinate personnel from its effects. The Board also unanimously found the SSRB convened by the SecAF was within their authority in accordance with 10 USC § 624 and DAFI 36-2501. Furthermore, the applicant provided no evidence to support his contentions regarding TIG influencing the stratification on the applicant's 15 Aug 22 PRF, and the applicant's contentions regarding violations of the AFRPC were adjudicated, and the matter closed, by TJAG. The Board unanimously found no reason to dispute TJAG's actions. The Board also unanimously found the applicant's conclusion the SAF/IGS investigation should be timely dismissed in accordance with the SecDef memorandum, Subject: *Restoring Good Order and Discipline Through Balanced Accountability*, dated 23 Apr 25, is without merit as this guidance specifically addresses only the Military Equal Opportunity and Equal Employment Opportunity programs and processes. Finally, the applicant requested the Board consider the Secretary of War memorandum, Subject: *IG Oversight and Reform: Enhancing Timeliness, Transparency, and Due Process in Administrative Investigations*, dated 30 Sep 25, in support of his contentions; however, upon review, the Board unanimously found there was no evidence the SAF/IGS investigation conflicted with the intent of this guidance, which was implemented after the investigation was concluded and the ROI finalized.

However, the majority of the Board considered guidance found in the Office of the Under Secretary of Defense for Personnel and Readiness memorandum, Subject: *Supplemental Guidance to the Military Department Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests from Service Members Adversely Impacted by Coronavirus Disease 2019 Vaccination Requirements*, dated 7 May 25, and found the discussion of the applicant's views regarding COVID vaccines and mitigation policies during the investigation, and captured in the ROI, may have negatively influenced the outcome of the investigation, which then led to the adverse actions. The majority of the Board determined this is sufficient to justify granting the applicant's request to overturn substantiation of the allegation in the SAF/IGS ROI, to remove associated adverse actions from the applicant's records, and, given reinstatement to the previous selection board list is outside the AFBCMR's authority, to instead

provide the applicant the opportunity for a Special Selection Board (SSB) or supplemental consideration for promotion to major general. Additionally, extend the applicant's current mandatory retirement date to accommodate an SSB or supplemental consideration for promotion to major general, and if selected for promotion, through the Presidential nomination and congressional confirmation processes. The minority opinion does not endorse this conclusion, finding no evidence the applicant's position regarding COVID had any influence on the substantiation of the allegation and, if the portions of the ROI addressing COVID were ignored, the preponderance of the evidence still demonstrated the applicant failed to establish and maintain a healthy command climate, and supports upholding the resulting adverse actions.

For the remainder of the applicant's request, the Board unanimously found the evidence presented did not demonstrate an error or injustice. The applicant did not provide sufficient evidence to demonstrate his career required rehabilitation that could be achieved via additional training. Finally, there is no evidence the applicant would have been nominated for a lieutenant general position, absent the substantiated allegation. Consequently, this particular relief is not appropriate, and the Board unanimously found no basis to recommend granting that portion of the applicant's request. Therefore, the majority of the Board recommends correcting the applicant's records as indicated below.

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 pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to:

- a. Overturn the SAF/IGS investigation (XXXXX) substantiated allegation that between on or about Jul 21 and on or about Jan 22, the applicant failed to establish and maintain a healthy command climate, in violation of AFI 1-2, dated 8 May 14.
- b. Remove all adverse actions resulting from the SAF/IGS investigation (XXXXX), to include but not limited to, any SOUIF and/or Adverse Information Summary.
- c. Grant an SSB or supplemental consideration for promotion to major general.
- d. Extend his current mandatory retirement date to accommodate an SSB or supplemental consideration for promotion to major general, and if selected for promotion, through the Presidential nomination and congressional confirmation processes.

However, regarding the remainder of the applicant's request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

CERTIFICATION

The following quorum of the Board, as defined in DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2025-03254 in Executive Session on 24 Oct 25:

, Panel Chair
, Panel Member
, Panel Member

A majority of the panel voted to correct the record. XXXXX voted not to correct the record. XXXXX did provide a minority opinion (Exhibit C). The panel considered the following:

Exhibit A: Application, DD Form 149, w/atchs, dated 19 Sep 25.

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

Exhibit C: Minority opinion, dated 27 Oct 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.

X

Board Operations Manager, AFBCMR