



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

28 July 2009

HAF/IMIO (FOIA)
1000 Air Force Pentagon
Washington DC 20330-1000

Mr. Raymond Toney
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Dear Mr. Toney

This is our final response to your May 19, 2009, Freedom of Information Act request for information relating to the "operations of the boards for the correction of military records, including the Air Force Board".

The Air Force Board for Correction of Military Records (AFBCMR) provided the attached documents responsive to your request and released in their entirety. For easy reference we addressed each item as follows:

1. Attached Air Force Instruction (AFT) 36-2603, Air Force Board for Correction of Military Records, dated 1 March 1996 and Air Force Pamphlet (AFP) 36-2607, Applicants' Guide to the Air Force Board for Correction of Military Records, dated 3 November 1994.
2. Attached Department of the Air Force Special Order AAB-242, dated January 31, 2008.
3. Board members are selected from the executive part of the Air Force and must be in the grade of GS-15 and higher or in pay band three under the National Security Personnel System. Since serving on the Board is a collateral duty, volunteers are solicited from the eligible population and nominations are made by existing Board members. Board members are given orientation briefings (see attached slides), observe adjudication of a series of cases in Executive Session and when schedules/funding can accommodate go Temporary Duty (TDY) to the Air Force Personnel Center at Randolph AFB, Texas to meet advisory writers and observe promotion and special selection boards.

4. Total number of applications received by the Board: 2005 - 2272; 2006 - 2257; 2007 - 1941; and 2008 -1987 (includes cases that were administratively corrected without Board action). Total number of applications decided by the Board: 2005 - 2190; 2006 - 2175; 2007 -1854; and 2008 - 1779 (excludes cases that were administratively corrected without Board action).

5. Total number of applications decided by the Board that resulted in changes being made to the applicants' military records: 2005 - 863; 2006 - 783; 2007 - 609; and 2008 - 579.

6. No responsive documents. Boards are not convened on a daily basis. Panels meet 2-3 times a week depending on availability and consider an average of 20 applications each session.

7. No responsive documents. The AFBCMR does not make reports directly to Congress but does report its timeliness performance to the Department of Defense annually. It should be noted that federal law (Title 10 United States Code Section 1557) requires reports by exception when not in compliance with statutory case timeliness mandate. The Board has met all requirements since inception of the requirement.

8. No responsive documents. Boards are generally held two to three times a week during the days of Tuesday, Wednesday, and Thursday. Boards are normally scheduled from 1030 to 1200 hours. However, Boards conducted by video teleconferencing (VTC), which is increasing in frequency, are scheduled based on access to VTC facilities.

9. Board members are furnished the entire case file, including the applicant's complete submission, any obtained advisory opinions, and any responses by the applicant. An applicant's military personnel file is taken into the Board and is available for inspection by the Board members (Unless file is unavailable).

10. After Board dates are proposed for a given month, volunteers are solicited from the Board membership to fill in the proposed Board schedule. If a conflict develops for a scheduled Board member, they are expected to notify the Board administrative staff who will seek a replacement. If a replacement cannot be scheduled, the Board will be rescheduled (see Slide 6). Boards consist of three-member panels with one member serving as a panel chair.

11. In accordance with United States Code, Title 10, Section 1555, there is a lawyer to advise the Board and his duty title is Legal Advisor - Air Force Review Boards Agency.

12. No responsive documents. Normally the BCMR staff provides the case file to the Board members a week in advance of their deliberations in Executive Session. Board members are briefed during their orientations and periodically reminded in newsletters of the ex parte communications rules and that any additional information they feel is needed must be requested through the case examiner so that the rules on ex parte communications will be complied with.

13. No responsive documents. Board members discuss each case in executive session and then vote.

14. No responsive documents. Within the discretion of the panel chair; however, the Board members normally alternate presenting the issues of a case, which is then followed by open discussion and voting. In cases of split votes, 2-1, minority members are provided an opportunity to prepare a minority report.

15. The Board employs Examiners who are responsible for assembling case files, ensuring all relevant issues are adequately addressed by the appropriate offices of the Air Force, and are available to answer any technical questions during case deliberation. A copy of an Examiner position description is attached.

16. No responsive documents. Examiners do not make specific recommendations to grant or deny an application, but may advise on how the record can be corrected within the framework of the panel member's recommendation to grant relief. Examiners are expected to be knowledgeable of applicable policy and statute regarding the issues of a case. Examiners may also provide info on Board decisions concerning similar cases previously decided.

17. No responsive documents. No specific professional qualifications are mandated but see the Examiner position description attached which contains the skills, knowledge, and experience for the position.

18. A total of 23 full-time staff members are employed by the Board. See Slide 2 for a breakdown of the positions.

19. No responsive documents. Case files are usually provided a week in advance, delivered in hard paper copy, electronic form or both, depending on ease and preferences of panel members.

20. No responsive documents. Depends on issue and nature of the argument presented; however, sanitized copies of all decisions rendered after Calendar Year 1993 (CY93) are maintained in the Department of Defense Electronic Reading Room website: http://boards.law.af.mil/AF_BCMR.htm. Copies of decisions rendered prior to CY93 can be obtained from microfilm by writing to the Army Review Board Agency, Attention: CIQA, 1941 Jefferson Davis Highway, Second Floor, Arlington VA 22202.