

***OpJAGAF 2018-26, 9 August 2018, PPA Failed Physical Fitness Assessment;
AOCs as Reviewing Commanders***

TOPIC

Concurring with command's recommendation to terminate Promotion Delay Action with adjusted date of rank to date of passing physical fitness score.

TEXT OF THE DECISION

This opinion is in response to command's recommendation to terminate Respondent's promotion delay. We concur with command to terminate the delay with an adjusted date of rank (DOR). However, we non-concur with command's recommended DOR of 5 January 2018, instead we recommend Respondent's promotion delay be terminated with a 4 January 2018 effective promotion date, which is the date Respondent passed his physical fitness assessment.

BACKGROUND

Respondent was scheduled to promote to Lt Col on 1 November 2017. On 6 October 2017, he failed his fitness assessment. On 30 October 2017, command notified Respondent that his promotion was being delayed.

On 4 January 2018, Respondent passed his fitness assessment test, and command recommended that Respondent be promoted effective the following day, 5 January 2018.

GUIDANCE

Pursuant to AFI 36-2501, *Officer Promotions and Selective Continuation*, 16 Jul 2004, incorporating through Change 3, 17 Aug 09, paragraph 5.3, "[a]n officer's immediate commander normally initiates a promotion list removal or delay recommendation." Paragraph 5.3.1 also notes that "[w]here actions are initiated by a wing commander or equivalent or higher commander, the initiating commander is also the reviewing commander." Paragraph 5.4 states that a "commander takes action to delay a promotion if there is cause to believe that the officer has not met the requirement for exemplary conduct set forth in Title 10, U.S.C. 8583 or is not mentally, physically, morally, or professionally qualified to perform the duties of the higher grade."

Paragraph 5.4.1 governs initial delays and provides the reviewing commander authority to approve an initial delay up to 6 months from the officer's original effective date of promotion. After indorsement, "the reviewing commander sends the memorandum electronically to AF/A1PPP ... for AF/JA and SAF/GC coordination and SecAF...action."¹ Paragraph 5.4.3 governs resolving a promotion delay and states that "commanders may initiate action to end the delay at any time by using AF Form 4364 and following steps detailed in paragraphs 5.6 and 5.7." It should be noted that under paragraph 5.4.3.1, "only SecAF... may end a promotion delay. Notwithstanding the commander's recommendation, SecAF...may promote an officer on his or her original effective

¹ See also, 10 USC §624 (Promotions: how made) and DoDI 1320.14, *Commissioned Officer Promotion Program Procedures*

date; promote an officer with a date of rank adjustment; extend the officer's promotion delay; or remove the officer from the promotion list.”

DISCUSSION

Promotion delays are not intended to be punitive or rehabilitative. The sole purpose for a promotion delay is to wait until sufficient time has passed for the officer to demonstrate he is mentally, physically, morally, and professionally qualified to perform the duties of the higher grade.

In this case, the reviewing commander for decision/recommendation was the Air Operations Center Commander (AOC/CC). Per AFI 36-2501, paragraph 5.3.1., “The next superior commander serves as the reviewing commander. The next superior commander is the first military commander in the initiating commander's Air Force chain of command who is at least a wing-level or equivalent commander. Where actions are initiated by a wing commander or equivalent or higher commander, the initiating commander is also the reviewing commander.” AOCs are unique organizations that operate independently from the wings where they are located. They have different chains of command and are considered tenant organizations. In this case, the AOC/CC, like a wing commander, has a senior rater ID (SRID). Additionally, an AOC/CC is an experienced O-6. No one below the level of a wing commander has an SRID; therefore, AOC commanders are wing commander equivalent officers. In this case, the AOC/CC is a wing commander equivalent² and an appropriate reviewing officer for this matter.

The initial delay was properly made. After Respondent passed his fitness assessment test on 4 January 2018, command recommended that he be promoted effective the next day. We concur with command's recommendation to terminate Respondent's promotion delay, since Respondent passed his fitness assessment test. However, consistent with prior resolution of promotion delays based on fitness failures, we recommend that he be promoted effective 4 January 2018 -- the day he passed.

CONCLUSION

A preponderance of the evidence supports command's recommendation to terminate Respondent's promotion delay. However, we think the member met all the physical requirements for promotion effective on 4 January 2018 -- the day he passed his fitness assessment test. The case file supports terminating the promotion delay with an effective promotion DOR of 4 January 2018.

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²SAF/GCI concurs that AOC commanders are equivalent to wing commanders for promotion propriety actions.