





DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

SEP 23 1998

Office of the Assistant Secretary  
AFBCMR 97-03590

MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED] be corrected to show that he was promoted to the grade of senior airman (E-4) effective and with a date of rank (DOR) of 23 July 1997, rather than 24 September 1997.

  
JOE G. LINEBERGER  
Director  
Air Force Review Boards Agency

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

SEP 23 1998

IN THE MATTER OF:



DOCKET NUMBER: 97-03590

COUNSEL: None

HEARING DESIRED: No

APPLICANT REQUESTS THAT:

His date of rank (DOR) to the grade of senior airman (E-4) be changed from 24 Sep 97 to 1 Jan 97.

APPLICANT CONTENDS THAT:

His pay grade to senior airman was never updated in Jan 97 but was updated in Sep 97. On 22 Sep 97, someone in promotions promoted him to senior airman when in fact they should have made his promotion date 1 Jan 97. He was denied his proper rank for his final year in the military and he was denied money which is still owed him because of human error.

In support of his appeal, the applicant provided a copy of his DD Form 214 (Certificate of Release or Discharge From Active Duty), a copy of his Referral Enlisted Performance Report (EPR), an Article 15, and an Unfavorable Information File (UIF) Action removing the Article 15.

Applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 23 Nov 93 for a period of four years in the grade of airman basic. He was progressively promoted to the grade of senior airman, effective, and with a DOR of 24 Sep 97.

Applicant's Enlisted Performance Report (EPR) profile follows:

<u>PERIOD ENDING</u>	<u>OVERALL EVALUATION</u>
22 Jul 95	5
22 Jul 96	4 (Referral Rpt)
1 Jan 97	5

On 10 Apr 97, the applicant received an Article 15, Uniform Code of Military Justice (UCMJ), for on or about 20 Jan 97, at or near Lackland AFB, Texas, operating a vehicle in a reckless manner by accelerating excessively, causing the vehicle to spin out of control. The applicant indicated, by initialing the Record of Nonjudicial Punishment Proceedings that he consulted a lawyer; that he waived his right to court-martial and accepted nonjudicial proceedings under Article 15, UCMJ; that he requested to make a personal appearance before the commander; that he did not desire that it be public; and, that he attached a written presentation. For the foregoing offense, the applicant was reduced from the grade of airman first class to the grade of airman. However, the reduction in grade was suspended until 9 Oct 97, after which time it was to be remitted without further action, unless sooner vacated.

On 23 Jul 97, the Article 15 in question was remitted by the commander.

On 4 Aug 97, the commander removed the 10 Apr 97 Article 15 from applicant's UIF.

On 22 Nov 97, the applicant was released from active duty under the provision of AFI 36-3208 (Completion of Required Active Service) with an honorable characterization of service in the grade of senior airman. He was credited with 4 years of active service.

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#### AIR FORCE EVALUATION:

The Chief, Inquiries/AFBCMR Section, AFPC/DPPPWB, reviewed this application and indicated that basic eligibility requirements for promotion to senior airman are a minimum of 36 months' total active federal military service (TAFMS) and 20 months' time-in-grade (TIG) as an airman first class (both requirements must be met) or 28 months' TIG whichever is satisfied first, not be ineligible for any of the reasons outlined in AFI 36-2502, Table 1.1, or Headquarters AFMPC/DPMA AIG 8106, Jun 95 message, possess a 3-skill level Primary Air Force Specialty Code (PAFSC) and be recommended for promotion by the commander. Although the applicant met the 36 months' time-in-service (TIS) and 20 months' TIG requirement on 23 Nov 96 and had the 3-level PAFSC, he had received a referral EPR closing 22 Jul 96. This EPR rendered him automatically ineligible for promotion until he received another EPR with a rating of "3" or higher that was not a referral. He subsequently received another EPR closing 1 Jan 97 with an overall rating of "5" with both the rater and indorser recommending promotion to senior airman. Based on the documentation the applicant provided, DPPPWB cannot determine why he was not promoted on 1 Jan 97.

The suspended reduction applicant received due to an Article 15 rendered him automatically ineligible for promotion until 9 Oct 97 (AFI 36-2502, Table 1.1, Rule W). The documentation included in the case file reflects the Article 15 was removed from the UIF on 4 Aug 97 and the applicant's former base of assignment (Lackland AFB) was contacted and the Article 15 was remitted by the commander on 23 Jul 97. DPPPWB cannot determine why the applicant was not promoted on 23 Jul 97 when the Article 15 was remitted and the suspended reduction (ineligibility condition) no longer existed. Regardless, no individual may be promoted unless recommended and approved by the commander. The applicant has provided no documentation regarding a commander's recommendation. Without a statement from the commander supporting an earlier date of promotion than 24 Sep 97, DPPPWB does not recommend the applicant's request be approved. If the Board disagrees, it could promote him to senior airman with a DOR and effective date of 1 Jan 97 or 23 Jul 97 when the Article 15 was remitted.

A complete copy of the Air Force evaluation, with attachments, is attached at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to applicant on 27 Jan 98 for review and response. As of this date, no response has been received by this office.

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THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After thoroughly reviewing the evidence of record, we find insufficient documentation to recommend changing applicant's DOR to 1 Jan 97. It appears from the documentation submitted that applicant met the eligibility requirements for promotion to senior airman on 1 Jan 97; however, we find insufficient evidence that his commander formally recommended him for promotion as required by the governing instructions. We are aware that promotions to senior airman are done by roster list which is prepared approximately on the 20<sup>th</sup> of each month. In view of the fact that the incident for which applicant received the Article 15 occurred on 20 Jan 97, it is very likely that the commander did not recommend him for promotion to senior airman because undoubtedly, he was reviewing the situation to determine what action was to be taken with respect to the misconduct.

Therefore, we find no compelling basis upon which to recommend changing his DOR to 1 Jan 97.

4. Notwithstanding the above determination, we believe some form of relief is warranted. In this respect, we believe applicant's DOR to senior airman should be changed to 23 Jul 97, the day the Article 15 was remitted. In coming to this conclusion, we noted that applicant met the TIS and TIG requirements; possessed a 3-skill level in his PAFSC; and, he had received a rating of "5" on his EPR closing 1 Jan 97 which also included promotion recommendations by both the rater and indorser. In view of the fact that the commander who imposed the Article 15 remitted it 2½ months early, it is unclear as to why the commander did not recommend promoting applicant at that time. Clearly, the applicant met the eligibility criteria. Therefore, we believe any doubt regarding this situation should be resolved in favor of the applicant. In view of the foregoing, we recommend that his records be corrected as indicated below.

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THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that he was promoted to the grade of senior airman (E-4) effective and with a DOR of 23 Jul 97, rather than 24 Sep 97.

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The following members of the Board considered this application in Executive Session on 25 August 1998, under the provisions of AFI 36-2603:

Mrs. Barbara A. Westgate, Panel Chair  
 Ms. Olga M. Crerar, Member  
 Ms. Patricia D. Vestal, Member  
 Mrs. Joyce Earley, Examiner (without vote)

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 3 Dec 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPPWB, dated 8 Jan 98, w/atchs.
- Exhibit D. Letter, AFBCMR, dated 27 Jan 98.

  
 BARBARA A. WESTGATE  
 Panel Chair



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR FORCE PERSONNEL CENTER  
RANDOLPH AIR FORCE BASE TEXAS

8 JAN 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPPWB  
550 C Street West, Ste 09  
Randolph AFB TX 78150-4711

SUBJECT: Application for Correction of Military Records ~~\_\_\_\_\_~~

Requested Action. The applicant is requesting his date of rank (DOR) to SrA (E-4) be changed from 24 Sep 97 to 1 Jan 97.

Reason for Request. The applicant claims his pay grade to SrA was never updated in Jan 97 but was updated in Sep 97.

Facts. The applicant was promoted to SrA 24 Sep 97 and was released from active duty in this grade on 22 Nov 97. He was honorably separated under the provisions of AFI 36-3208 after completion of the required active service.

Discussion.

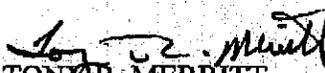
a. Basic eligibility requirements for promotion to SrA are a minimum of 36 months total active federal military service (TAFMS) and 20 months time-in-grade (TIG) as an A1C (both requirements must be met) or 28 months TIG whichever is satisfied first, not be ineligible for any of the reasons outlined in AFI 36-2502, Table 1.1 (atch) or Hq AFMPC/DPMA AIG 8106 (091602Z) Jun 95 Msg (atch), possess a 3-Skill Level Primary Air Force Specialty Code (AFSC) and be recommended for promotion by the commander. Although he met the 36 months TIS and 20 months TIG requirement on 23 Nov 96 and had the 3-level PAFSC, he had received a referral Enlisted Performance Report (EPR) closing 22 Jul 96. This EPR rendered him automatically ineligible for promotion until he received another EPR with a rating of "3" or higher that was not a referral. He subsequently received another EPR closing 1 Jan 97 with an overall rating of "5" with both the rater and indorser recommending promotion to SrA. Based on the documentation the applicant has provided, we cannot determine why he was not promoted on 1 Jan 97.

b. On 10 Apr 97 the applicant received an Article 15 for an incident that occurred on 20 Jan 97. His punishment consisted of a suspended reduction to Amn until 9 Oct 97, after which time it would be remitted without further action, unless sooner vacated. The suspended reduction rendered him automatically ineligible for promotion until 9 Oct 97 (AFI 36-2502, Table 1.1, Rule W). The documentation (AF Fm 1058) included in the case file reflects the Article 15 was

9703590

removed from the Unfavorable Information File (UIF) on 4 Aug 97. The applicant's former base of assignment (Lackland AFB) was contacted and the Article 15 was remitted by the commander on 23 Jul 96. We cannot determine why the applicant was not promoted on 23 Jul 97 when the Article 15 was remitted and the suspended reduction (ineligibility condition) no longer existed. Regardless, no individual may be promoted unless recommended and approved by the commander. The applicant has provided no documentation regarding a commander's recommendation. Without a statement from the commander supporting an earlier date of promotion than 24 Sep 97, we do not recommend the applicant's request be approved. If the Board disagrees, it could promote him to SrA with a DOR and effective date of 1 Jan 97 or 23 Jul 97 when the Article 15 was remitted.

Recommendation. Denial, based on the rationale provided.

  
TONY R. MERRITT  
Chief Inquiries/AFBCMR Section  
Enlisted Promotion Branch

[REDACTED]

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DPMAB

NO

HQ AFMPC RANDOLPH AFB TX//DPMA//

AIG 8106//CC/DPM/DPMQ/DPMP/CCC//

AIG 10607//MSM//

ALPERSCOM//DP/MP/IG/CCC//

AIG 9326

INFO HQ USAF WASHINGTON DC//DPXEP//

XMT HQ AFMPC RANDOLPH AFB TX

UNCLAS

A//225/95 B/197/95

PLEASE ENSURE WIDEST POSSIBLE DISSEMINATION

SUBJ: IMPLEMENTATION OF CHANGES TO THE ENLISTED EVALUATION SYSTEM  
(EES)

REF: CSAF MSG 081626Z MAY 95 AND HQ USAF/DP MSG 231700Z MAY 95

1. THIS MESSAGE IMPLEMENTS CHANGES TO THE ENLISTED EVALUATION SYSTEM. SOME OF THE CHANGES BEING IMPLEMENTED WILL TAKE EFFECT IMMEDIATELY, OTHERS WILL REQUIRE ADDITIONAL TIME TO PHASE IN BECAUSE OF PROCEDURAL GUIDANCE, REVISION OF EES FORMS, AND ADDITIONAL STAFFING.

2. FEEDBACK - EFFECTIVE IMMEDIATELY

A) RATERS FOR TSGT AND BELOW ARE REQUIRED TO DOCUMENT THE INITIAL/MIDTERM PERFORMANCE FEEDBACK SESSION DATE IN SECTION V

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DPMAE

NO

CANCELLATION OF PROJECTED PROMOTION, IF ALREADY SELECTED (WAPS)/FULLY QUALIFIED (AMN-SRA). ALSO, PROMOTION REINSTATEMENT IS NOT AUTHORIZED EXCEPT AS OUTLINED IN AFI 36-2502, PARA 3.6. THE FOLLOWING CHANGES WILL BE IMPLEMENTED AS INDICATED BELOW:

4-A-1) INDIVIDUALS IN PHASE I OF THE WGT MANAGEMENT PROGRAM (WSC 2): EFFECTIVE 1 AUG 95 INDIVIDUALS IN WSC "2" (UNSAT PROGRESS, PHASE I) WILL BE INELIGIBLE FOR PROMOTION. MPFS MUST IMMEDIATELY IDENTIFY INDIVIDUALS CURRENTLY IN WSC "2" AND INFORM COMMANDERS TO NOTIFY THEM (AND FUTURE WSC "2" ENTRIES) THEY ARE INELIGIBLE FOR PROMOTION IF THEY ARE IN WSC "2" ON OR AFTER 1 AUG 95. FOR INDIVIDUALS IN WSC "1", "5" AND "6", CONTINUE USING PES CODE "I" SINCE CURRENT PROMOTION ELIGIBILITY FOR THESE CODES REMAIN UNCHANGED (AFI 36-2502, TBL 1.2). THIS CHANGE REQUIRES IMPLEMENTATION OF A NEW PES CODE, WHICH WILL BE AVAILABLE IN THE NOV 95 SYSTEM RELEASE. UNTIL THEN MPFS MUST IDENTIFY INDIVIDUALS IN WSC "2" ON OR AFTER 1 AUG 95 AND CHANGE PES FROM CODE "I" TO CODE "N". PLEASE CONTINUE USING PES CODE "N" ON ANY FUTURE WSC "2'S. USING PES CODE "N" IS A TEMPORARY MEASURE AND REQUIRES CLOSE MONITORING TO ENSURE THERE ARE NOT ERRONEOUS PROMOTION SELECTIONS.

4-A-2) REFERRAL OR "2" EPRS ON TOP: INDIVIDUALS WITH A REFERRAL (ACCORDING TO AFI 36-2403, ATCH 1) OR "2" EPR ON TOP CLOSING OUT

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NO

AFTER THE DATE OF THIS MESSAGE WILL BE INELIGIBLE FOR PROMOTION BECAUSE THERE'S INSUFFICIENT TIME FOR THEM TO RECEIVE ANOTHER EPR PRIOR TO THE 1 AUG 95 IMPLEMENTATION DATE. FOR INDIVIDUALS WITH SUFFICIENT SUPERVISION (60 DAYS), IF CONSIDERED APPROPRIATE, COMMANDER CAN DIRECT AN EPR TO C/O NLT 31 JUL 95 OR EARLIER, TO REGAIN PROMOTION ELIGIBILITY PRIOR TO 1 AUG 95 IMPLEMENTATION. EFFECTIVE 1 AUG 95 INDIVIDUALS WITH A REFERRAL OR "2" EPR ON TOP WILL BE INELIGIBLE FOR PROMOTION. AFTER 31 JUL 95, SRA THROUGH SMSGT WILL REGAIN THEIR ELIGIBILITY ONLY AFTER RECEIVING A REPORT WITH A RATING OF "3" OR HIGHER THAT IS NOT A REFERRAL AND CLOSES OUT ON OR BEFORE THE NEXT PECD, IF OTHERWISE ELIGIBLE. AB THRU AIC MEETING TIG/TIS PROMOTION REQUIREMENTS AS OF 1 AUG 95 OR LATER CANNOT BE PROMOTED EARLIER THAN THE CLOSE OUT DATE OF AN EPR WITH A RATING OF "3" OR HIGHER THAT IS NOT A REFERRAL, IF OTHERWISE ELIGIBLE AND APPROVED BY COMMANDER. MPFS MUST IDENTIFY INDIVIDUALS WITH A REFERRAL (AAC 19 MAY BE HELPFUL) OR "2" EPR ON TOP AS OF 1 AUG 95 AND USE PES CODE "N" TO MONITOR THEIR PROMOTION STATUS UNTIL A NEW PES CODE IS AVAILABLE WITH THE NOV 95 SYSTEM RELEASE. ENSURE EVERY EFFORT IS MADE TO NOTIFY INDIVIDUALS WITH A REFERRAL AND/OR "2" EPR ON TOP AS OF 1 AUG 95 OR LATER OF THEIR PROMOTION STATUS. SINCE THIS CHANGE AFFECTS SEVERAL

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1.12. Correcting Promotion Effective Dates and Enlistment Grades. HQ AFMPC/DPMAJW corrects the promotion effective dates as a result of promotion withhold actions and supplemental promotion selections upon notification from the MPF. Include name, SSN, cycle and grade promoted to, new BOR and promotion sequence number, date of data verification completion,

date commander approved promotion, promotion order (include date, number and issuing headquarters) and reason for promotion withholding, if applicable. **EXCEPTION:** This does not apply to those in the weight management program (WMP) or substance abuse program participants. Approved enlistment grade corrections are updated by HQ AFMPC/DPMAJW.

Table 1.1. Determining Ineligibility For Promotion (See note 1).				
If on or after the promotion eligibility cutoff date, and the airman is				
	1	2	3	4
A	serving in grade of MSgt or SMSgt			
B	serving in grade SrA through TSgt			
C	to be promoted to grade Amn through SrA			
D	to be promoted to grade SSgt through MSgt under STEP			
then the airman is ineligible for promotion during a particular cycle when he or she				
E	has a mandatory date of separation (DOS), high year tenure (HYT), has 30 or more YOS, or an approved retirement before the first day of the month promotions are incremented in that cycle (See note 2)			
F	is a career airman who declines to extend or reenlist to obtain service retainability for a controlled duty asgn, PCS, TDY and retraining; declines retraining as outlined in AFI 36-2204; or is an airman with an approved voluntary retirement (instead of assignment). PES code C (See note 2)			
G	has been convicted by court-martial (CM), or is undergoing punishment/suspended punishment imposed by CM. (Includes completed punishment and cases where sentence does not include punishment. PES code F (See note 2)			
H	is on the control roster (AFI 36-2907). PES code G (See note 2)			
I	is serving a probationary period under AFI 36-3208. PES code K (See note 2)			
J	is unfit to perform the duties of the grade due to physical disability as decided by the SAF. PES code L (See note 3)			
K	declines promotion consideration/testing and has an AF Form 1566, WAPS Test Verification, on file to that effect. PES code M.			
L	is not recommended for promotion consideration, or the promotion authority removes the individual from a select list. PES code N. (See note 4 and para 3.2)			
M	fails to appear for scheduled testing (no-show) without a valid reason as decided by immediate commander PES code P. (See para 2.3.4)			
N	is absent without leave (AWOL)/in deserter status. PES code U. (See note 2)			
O	(excluding minor traffic violations) has been convicted by a civilian court or undergoing punishment, suspended punishment/sentence, probation, work release program, or any combination of these or similar court-ordered conditions. Include period of time the airman is on probation after serving part of a sentence or has had the sentence withheld for a period of time. The ineligibility period will equal the maximum confinement for the same or most closely related offense under the manual for CM. PES code W. (See notes 2 and 5)			
P	applies for voluntary retirement after promotion selection notification, and as a result of approved retirement, doesn't have sufficient retainability to meet the required ADSC. Grade-status-reason is 3C. No change in PES code.			
Q	has an approved application for separation as a conscientious objector, or is being involuntarily separated under AFI 36-3208. PES code V. (See note 2)			
R	is on the select list and declines promotion, or is a MSgt, SMSgt, or CMSgt selectee and fails to acquire service retainability for promotion. Grade-status-reason is 3D. No change in PES code.			
S	is denied or not selected for reenlistment. PES code J. (See note 2) (See MMD)			

(Table continued on next page)

<b>T</b>	is pending administrative demotion action under AFI 36-2503. PES code H. (See note 2)	X	X	X	X
<b>U</b>	is identified as a substantiated substance abuser for other than alcohol and doesn't successfully complete rehabilitation under the USAF SART Program. PES code T. (See note 2)	X	X	X	X
<b>V</b>	is disqualified from a previously awarded AFS for cause (RI9A200 or 9A100). PES code Q. (See note 6)	X	X	X	X
<b>W</b>	is undergoing a suspended reduction imposed by UCMJ Article 15, PES code A. (See note 2)	X	X	X	X
<b>X</b>	falls SART 3 or 4 (including self-ID or entered into SART 5). PES code O. (See note 2)	X	X	X	X

**NOTES:**

- For ineligibility of airmen entering commissioning programs, see paragraph 3.1.
- TSgt, MSgt, and SMSgt with a retirement (based on HYT) date effective the first day of the month the promotion incrementing starts remain eligible for promotion. An airman's HYT extended for medical hold remain ineligible for promotion consideration. Airmen will not receive supplemental promotion consideration for any cycle they are ineligible under this rule. You can promote airmen in grades AB through A1C exceeding TIG/TIS requirements the day after the ineligibility condition no longer exists. PES code will change to "X" effective the date AFMPC approves withdrawal of a PCS declination statement.
- Promote airmen who remain on active duty in a limited assignment status (LAS), or who remain on active duty and later found fit after formal proceedings. Do this on the promotion effective date the PSN is announced. If returned to active duty from TDRL, the DOR is the original date of promotion. The effective date is date returned to active duty.
- Nonrecommend airmen in the grade of AB through A1C in monthly increments from the original effective date outlined in AFMAN 36-2125 (formerly AFM 30-130, volume 1). BTZ selectees removed from the selection list remain ineligible until they meet the fully qualified promotion requirements.
- You may waive the promotion ineligibility or any portion of the ineligible period. You may not waive the promotion ineligibility for airmen convicted and sentenced to confinement. The waiver authority rests with the wing commander.
- Individuals placed in RI9A200 (unclassified airman pending discharge) and RI9A100 (airman awaiting retraining, disqualified for reasons within control) remain ineligible for promotion. Place them in PES code "Q", effective the date of disqualification. Do this until awarding the airman a PAFSC at a skill level commensurate with current grade. **NOTE:** PES code "Q" does not apply to airmen serving in grades AB and Ann.

<b>I T E M</b>	Withhold an airman's promotion when his or her name is removed from a select or eligibility list and the airman is
<b>1</b>	awaiting a decision on an application as a conscientious objector (AFI 36-3204 [formerly AFR 35-24]). PES code S.
<b>2</b>	placed into the SART Program for alcohol abuse. PES code E. (See notes 1 & 2)
<b>3</b>	in the weight management program (WMP), Phase I (codes 1, 2, 5 or 6). PES code I. (See notes 1 & 3)
<b>4</b>	under court-martial or civil charges. PES code D. (See note 4)
<b>5</b>	pending data verification and the record is not available. GSR code 2D, 2M or 2P.
<b>6</b>	missing source document, and the MPF cannot verify one or more promotion factors. GSR code 2R.
<b>7</b>	under other reasons the commander requests with prior approval from the individual's wing commander. (Do not use reasons of substandard behavior or performance, or problems with OJT, etc.) GSR Code 2N.
<b>8</b>	identified as having 18 or more years TAFMS on the promotion effective date and does not have 2 years retainability the day before the promotion effective date. GSR code 2K.
<b>9</b>	serving in the grade of SrA and does not complete the NCO Preparatory Course or the Airman Leadership School; TSgt and does not complete the resident command NCO Academy; and SMSgt and does not complete the resident Senior NCO Academy (or equivalent) GSR Code 2T. (See Note 5)

(Notes to table continued on next page)