

STAFF SUMMARY SHEET

	TO	ACTION	SIGNATURE (Surname), GRADE AND DATE		TO	ACTION	SIGNATURE (Surname), GRADE AND DATE
1	SAF/GC	Coord		6	AF/CC	Coord	
2	SAF/MR	Coord		7	SAF/US	Coord	
3	SAF/IG	Coord		8	SAF/OS	Action	
4	AF/CVA	Coord		9			
5	AF/CV	Coord		10			

SURNAME OF ACTION OFFICER AND GRADE	SYMBOL	PHONE	TYPIST'S INITIALS	SUSPENSE DATE
Mr. GS-13	SAF/MRBC	DSN 612-XXXX		N/A

SUBJECT	DATE
Package (GREEN): FOUO: Recommendation for Disciplinary Action Under the Military Whistleblower Protection Statute (10 USC 1034) - AFBCMR Docket Number BC-20XX-XXXX	

SUMMARY

1. **PURPOSE:** To transmit the recommendation of the Air Force Board for Correction of Military Records (AFBCMR) regarding disciplinary action against the perpetrators of reprisal in the case of Lt Col First M. Last, USAFR (applicant) to the Secretary of the Air Force.

2. **BACKGROUND:** The applicant contends he was the victim of reprisal in violation of 10 USC 1034 for making protected communications. He requested his promotion to Lieutenant Colonel (Lt Col) be backdated, he be given a four-year Active Guard/Reserve (AGR) tour, and the Board further investigate the lack of systemic control at the US Air Force Academy (USAFA). The Board found the evidence presented sufficient to convince them the applicant was the victim of reprisal at the hands of members of his chain of command; however, finding no causal relationship between the reprisal and his requests, the Board denied the requested relief. Notwithstanding the above, the Board found evidence that his recommendation for promotion to Lt Col (O-5) was delayed in error (not reprisal) and recommended he be provided supplemental consideration for the Fiscal Year 2008 USAFR Line Lt Col Promotion Board.

3. **DISCUSSION:** Regardless of its recommendations regarding relief, the Board's finding of reprisal triggers the provisions of 10 USC 1034; DoDD 7050.06, Military Whistleblower Protection; and AFI 36-2603, Air Force Board for Correction of Military Records (AFBCMR), which authorize the Board to make a recommendation to the Secretary regarding disciplinary or administrative action against the perpetrator(s). The Board notes the perpetrators were verbally counseled and acknowledges they are not in a position to know all the details and possible mitigating factors. However, in view of the seriousness of the acts and given the sensitivity to reprisal in our present environment, the verbal counseling rendered upon the perpetrators in this case does not appear to be appropriate to the circumstances. While the Board is not recommending specific disciplinary action to the Secretary, it believes the Secretary should seriously consider reviewing the disciplinary action against the perpetrators for appropriateness in light of our statutory obligation to protect our military members from retaliation for making protected communications.

4. **RECOMMENDATION.** SAF/OS take appropriate action.

//Signed//
XXXXXXXXXXXX
Director
Air Force Review Boards Agency

- 7 Tabs
1. Memorandum for SECAF, w/2 Atchs
 2. 10 USC 1034, Military Whistleblower Protection Act
 3. Excerpts from DoD Directive 7050.06, Military Whistleblower Protection
 4. Excerpts from AFI 36-2603, AFBCMR
 5. Excerpts from AFI 90-301, Inspector General Complaints
 6. Report on Individual Personnel - Perpetrator
 7. Report on Individual Personnel - Perpetrator