

Administrative Demotion



Fact Sheet Prepared by the Texas State Defense Counsel

INTRODUCTION

AFI 36-2502, *Enlisted Airman Promotion/Demotion Programs*, Chapter 11, governs demotions within the Texas Air National Guard. An airman in the Texas Air National Guard can be demoted either voluntarily or involuntarily. This fact sheet covers involuntarily demotions.

INVOLUNTARY DEMOTIONS

An airman may be involuntarily demoted for: failure to complete training; failure to attain grade/skill relationships; unsatisfactory participation; AGR priority placement program position declination; over grade assignment expiration; failure to fulfill responsibilities; and, failure to attain and maintain fitness standards. A commander should not demote an airman for misconduct as it would be more appropriate to take action under the Texas Code of Military Justice. The most common reasons for demotion are failure to fulfill responsibilities and fitness failures.

- Failure to Fulfill Responsibilities: An airman may be demoted if he or she fails to fulfill their responsibilities as prescribed in AFI 36-2618 (*The Enlisted Force Structure*); a progressively downward trend in performance; failure to maintain dress and appearance standards; and, irresponsible management of personal finances.
- Failure to Maintain Fitness Standards: An airman may be demoted after unsatisfactory fitness assessments within a 36 month period.

PROCEDURE

An airman, when appropriate, should be given an opportunity to overcome their deficiencies before demotion action is initiated. When the commander has determined that an administrative demotion is appropriate the commander shall notify the member of the action in writing and inform the member of:

- the specific reason for the action;
- a summary of the supporting facts;
- of the requirement to acknowledge receipt in writing within 5 calendar days;
- that the member must either concur or non-concur with the action by the end of the second roll call following the second UTA period after acknowledgment;

- the right to consult with counsel;
- if the member non-concurs with the action that the member must submit a response and any documentation within 20 calendar days after the member responds indicating his or her non-concurrence;
- his or her right to a personal interview with the commander; and,
- an explanation that his or her failure to respond will be construed as concurrence with the action.

RESPONSE

A rebuttal statement is your chance to reply to the administrative demotion. You can challenge the allegation, present your evidence, provide mitigating facts or circumstances, or you may apologize for what has happened. Since admin demotions cannot be formally appealed, you need to use common sense when crafting your rebuttal statement. On rare occasions, harshly written rebuttals have become the basis for charges of disrespect. As part of the administrative demotion process you have the right to make a personal appearance with your commander. Remember, if you choose to make a personal appearance you need to maintain your military bearing at all times.

CAN I APPEAL

The short answer is no. There is no right to appeal or have a higher-level review when you are administratively demoted. If you believe that the administrative demotion was in violation of applicable instructions you could file an IG complaint or seek redress through the Air Force Board for the Correction of Military Records.

SOME CLOSING COMMENTS ...

An administrative demotion, by its nature, is a serious action as it represents a determination by your commander that your performance was deficient for the grade that you had possessed. If your performance does not improve you could face more severe action including involuntary separation.

**If you have further questions, you should call the Texas State Defense Counsel at
michael.j.kirkland8.mil@mail.mil**

Major Michael Kirkland – Texas State Defense Counsel

MEMORANDUM FOR (Person who initiated the action)

FROM: (Your rank and full name)

SUBJECT: Response to _____ Action, dated DD MMM YY

1. Sir/Ma'am, this statement concerns the notification of admin demotion I received on (date) for (offense). I request that you consider the following statement.

2. State the facts

- **If you do not believe the basis for demotion is supported:**
 - Explain why
 - Point out discrepancies in the version of events in the notification
 - Clarify incorrect statements made in the notification
 - Briefly state what happened in your own words
 - Were your actions misinterpreted? By whom?
 - Were you authorized to do as you did? By whom?
 - Do you have any other explanation? If so, describe

- **If you believe the basis for demotion is supported**
 - Admit it and apologize
 - Briefly describe any circumstances that explain your actions
 - Avoid making excuses or blaming others
 - Accept responsibility
 - Stress that you have no intention of repeating the offense again

3. Ask for consideration of your background and duty performance so that your unit can realize that you are an asset to the Air Force, such as:

- **(Background information)**
 - Tech school or other specialized training
 - What your job is and what you like about it
 - Any special honors, awards, or achievements you've earned
 - Letters of Appreciation, nominations (Amn of the Quarter, Below-the-Zone)
 - Good EPRs

4. In Conclusion, I respectfully request...

- **(Conclusion Paragraph)**
 - Repeat your request [I do not agree with action, I agree with the action, ect...]
 - Apologize for the incident in your own words, if you can
 - which is usually the best thing to do
 - Thank your CC for considering/reviewing your response

Respectfully submitted,

FIRST M. LAST, RANK, USAF

NAME, Rank, USAF
Position