RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2010-03887

 XXXXXXX COUNSEL: NONE

 HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His Meritorious Service Medal (MSM) be upgraded to a Bronze Star Medal (BSM).

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APPLICANT CONTENDS THAT:

His accomplishments while deployed in support of Operation IRAQI FREEDOM met the requirements for award of the BSM as prescribed by DoD Instruction 1348.33-M, *Military Awards Program;* AFI 36-2803, *The Air Force Awards and Decorations Program;* and AR 600-80-22, *Military Awards*. Mistakes were made while processing his BSM recommendation that no one was willing to correct, which resulted in him being awarded the MSM instead of the BSM.

In support of his request, the applicant provides an expanded statement with 29 attachments, which include copies of e-mail correspondence and various supporting statements related to the matter under review, as well as extracts of the governing directives/instructions.

The applicant’s complete submission, with attachments, is at Exhibit A.

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STATEMENT OF FACTS:

Information extracted from the Military Personnel Data System (MilPDS) indicates the applicant is currently serving in the Arizona Air National Guard (ANG) in the grade of senior master sergeant.

The applicant’s military personnel records indicate he was awarded the MSM, first oak leaf cluster (1 OLC), for outstanding non-combat achievement while deployed to Camp Bucca, Iraq, during the period 11 Aug 06 through 27 Feb 07.

The BSM is awarded to a person in any branch of the military service who, while serving in any capacity with the armed forces of the United States on or after 7 Dec 41, shall have distinguished them self by heroic or meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy. The award recognizes acts of heroism performed in ground combat if they are of a lesser degree than that required for the Silver Star. It also recognizes single acts of merit and meritorious service if the achievement or service is of a lesser degree than that deemed worthy of the Legion of Merit; but such service must have been accomplished with distinction.

The MSM was established as the counterpart of the Bronze Star Medal for the recognition of meritorious noncombatant service and may be awarded to any member of the Armed Forces of the United States who distinguishes themselves by either outstanding achievement or meritorious service to the United States.

The remaining relevant facts pertaining to this application are contained in the letter prepared by the appropriate office of the Air Force, which is attached at Exhibit C.

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AIR FORCE EVALUATION:

AFPC/DPSIDR recommends denial, indicating there was no recommendation located or provided recommending an upgrade to the BSM. With no special order to verify the applicant’s entitlement to the BSM, they are unable to verify his entitlement to the requested award.

A complete copy of the AFPC/DPSIDR evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 10 Dec 10 for review and comment within 30 days. As of this date, no response has been received by this office (Exhibit D).

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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 an error or injustice warranting award of the Bronze Star Medal (BSM). After a thorough review of the evidence of record and the applicant’s complete submission, we are not persuaded the applicant has been the victim of an error or injustice. The applicant’s contentions are duly noted; however, other than his own assertions, he has provided no evidence the action to downgrade his recommendation for a Bronze Star Medal (BSM) to a Meritorious Service Medal (MSM) first oak leaf cluster (1 OLC) was the result of an error on the part of the award authority. While the applicant’s accomplishments while deployed are noteworthy, there is no evidence to indicate the decision to recognize these efforts with an MSM vice a BSM was erroneous or inappropriate to the situation. Therefore, absent evidence that appropriate standards were not followed, or that there was an abuse of discretionary authority, we find no basis to recommend granting the requested relief.

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THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of material error or injustice; the application was denied without a personal appearance; and the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

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The following members of the Board considered AFBCMR Docket Number BC-2010-03887 in Executive Session on 23 Jun 11, under the provisions of AFI 36-2603:

The following documentary evidence was considered:

 Exhibit A.  DD Form 149, dated 8 Sep 10, w/atchs.

 Exhibit B.  Applicant's Master Personnel Records.

 Exhibit C.  Letter, AFPC/DPSIDR, dated 19 Nov 10.

 Exhibit D.  Letter, SAF/MRBR, dated 10 Dec 10.