RECORD OF PROCEEDINGS

**IN THE MATTER OF:** **DOCKET NUMBER:** BC-2016-01175

 **COUNSEL:** NONE

 **HEARING:** NO

**APPLICANT’S REQUEST.**

 1. His rank be changed to Staff Sergeant (SSgt).

 2. He be awarded the Distinguished Flying Cross (DFC).

**APPLICANT’S CONTENTION.**

1. Just before his discharge he was told he had been upgraded to SSgt.
2. He was awarded the Air Medal (AM) for 150 flying hours by 2 Sep 43, but he had additional flying hours between then and May 45 which may qualify him for the DFC.

The claimant’s complete submission is at Exhibit A.

**STATEMENT OF FACTS.** On 1 Oct 45, the applicant was discharge in the grade of Sergeant (Sgt). For more information, see the excerpt of the applicant’s record at Exhibit B and the advisories at Exhibits C and E.

**AIR FORCE EVALUATION.**

1. AFPC Enlisted Promotions recommends denial of the applicant’s request to change his rank to SSgt. The only document found in the applicant’s official record is a final payment work sheet reflecting his grade at time of discharge as Sgt. This document was signed by the applicant.
2. SAF/MRBP recommends denial of the applicant’s request for the DFC. Due to the extremely limited records and the passage of time, it is impossible to determine if awarding the DFC was appropriate. The complete advisories are at Exhibits C and E.

**APPLICANT’S REVIEW OF AIR FORCE EVALUATION.** The Board sent a copy of the Air Force evaluation to the applicant on 8 Dec 17 for comment (Exhibit F), but has received no response.

**THE BOARD CONCLUDES:**

1. The application was not timely filed.

2. The claimant exhausted all available avenues of non-judicial relief before applying to the Board.

3. Insufficient relevant evidence has been presented to demonstrate the existence of an error or injustice. After a careful review of the applicant's contentions, documentation submitted in support of the request, and the available evidence of record, we are not convinced the applicant has provided sufficient evidence for us to conclude he is the victim of an error or injustice. We also note the applicant did not file the application within three years after the alleged error or injustice was discovered, or should have been discovered, as required by Title 10, United States Code, Section 1552 and Air Force Instruction 36-2603. While the applicant claims a date of discovery of less than three years prior to receipt of the application, we believe a reasonable date of discovery was more than three years prior to receipt of the application. Therefore, because we do not find it would be in the interest of justice to recommend granting relief, and the applicant has offered no plausible reason for the delay in filing the application, we cannot conclude it would be in the interest of justice to excuse the failure to timely file the application. Accordingly, we find the application untimely.

**THE BOARD RECOMMENDS:** The APPLICANT be informed the application was not timely filed; that it would not be in the interest of justice to excuse the delay; and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

**CERTIFICATION:** The following quorum of the Board, as defined in Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered AFBCMR Docket Number BC-2016-01175 in Executive Session on 21 Mar 18:

 Panel Chair

 Member

 Member

All members voted not to correct the record. The panel considered the following:

Exhibit A: Applicant’s application, DD Form 149, dated 9 Jul 15, w/atchs.

Exhibit B: Documentary evidence, including excerpts from official records.

Exhibit C: Advisory opinion, AFPC Enlisted Promotions, dated 13 Oct 16.

Exhibit D: Notification of Advisory, SAF/MRBR to claimant, dated 12 Jan 17.

Exhibit E: Advisory opinion, SAF/MRBP, dated 31 Oct 17.

Exhibit F: Notification of Advisory, SAF/MRBR to claimant, dated 8 Dec 17.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings required by AFI 36-2603, paragraph 4.11.9.