

ADDENDUM TO RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2016-02922

XXXXXXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

The Board reconsider his request to amend his official military personnel records to reflect award of the Airman's Medal.

RESUME OF THE CASE

The applicant is a retired Air Force master sergeant (E-7).

On 8 May 18, the Board considered and denied his request to amend his official military personnel records to reflect award of the Airman's Medal finding the applicant had provided insufficient evidence of an error or injustice to justify relief.

For an accounting of the applicant's original request and the rationale of the earlier decision, see the Air Force Board for Correction of Military Records (AFBCMR) Letter and Record of Proceedings at Exhibit I.

On 5 Mar 24, the applicant requested reconsideration of his request to amend his official military personnel records to reflect award of the Airman's Medal. He again contends he was a member of the Air Force Ready Reserve at the time of the event and was informed by his Reserve unit's commander's support staff that he was not eligible for award of the Airman's Medal as a Reservist. The applicant submitted all relevant evidence to support his claim of the heroic act which included the Air Force Instruction demonstrating his Reserve status eligibility, witness statements, police reports, and newspaper articles documenting the event. The AFBCMR states a lack of first-hand knowledge and a DECOR6 (Recommendation for Decoration) signed by someone in his chain of command were reasons for the denial. The applicant's Reserve command has provided a letter to present to the AFBCMR of his recollection of the event.

The applicant is asking the Board to reconsider the original decision in light of the additional compelling evidence submitted by his commander at the time of the event. From the time the applicant was first made aware that he may be eligible for award of the Airman's Medal, regardless of his Reserve status, he has done everything he could, provided all the necessary supporting documentation, and responded in a timely manner to all requests from the Board. He learned on 14 May 08, while preparing for promotion exams, that a Reservist was eligible for the Airman's Medal regardless of status. The applicant has been diligently compiling and providing documentation and evidence since that time. Initially, to the Air Reserve Personnel Center, on 10 Oct 09, and then the Air Force Personnel Center, on 21 Jul 16. The event took place on 15 Nov 01, and the applicant has recently (Nov 23) been able to contact his former Reserve commander at the time of the event and he has provided a letter of his recollection for the Board.

The applicant retired in 2012 and from the moment he swore allegiance in 1982, he has strived to live up to the Air Force core values. Coming to the aid of the attempted carjacked/kidnapping victims, he feels he fulfilled his commitment to both country and community.

In support of his reconsideration request, the applicant submitted the following new evidence: commander's letter of support, dated 20 Nov 23.

The applicant's complete submission is at Exhibit J.

AIR FORCE EVALUATION

SAF/MRBP (Air Force Decorations Board) recommends denying the application. SAF/MRBP reviewed the applicant's original request for relief and the AFBCMR's original decision in this case, which relied on advisory opinions from AFPC and the Air Force Decorations Board. It is noted the applicant argues the AFBCMR denied his original request because of a lack of first-hand knowledge and issues with signatories reflected on his DECOR6. However, the issues identified in the original AFPC/DP3SP advisory are not the reasons for the AFBCMR's denial in the original case. A review of the original Record of Proceedings indicates the AFBCMR denied the requested relief relying on advisory opinions from AFPC/DP3SP and the Secretary of the Air Force Personnel Council (SAFPC)-Decorations [Air Force Decorations Board]. In reviewing both advisories, while the AFPC/DP3SP advisory describes a variety of administrative issues with the application, namely, the lack of a first-hand account and issues regarding signatories on various documents, AFPC/DP3SP ultimately recommended the AFBCMR seek the opinion of the Air Force Decorations Board on the merits of the request. In evaluating the merits, the evidence submitted by the applicant was put before the Air Force Decorations Board for consideration and that board disapproved the request based on the evidence submitted. This means irrespective of the administrative issues noted in the AFPC/DP3SP advisory, or other alleged administrative errors argued by the applicant, the Decorations Board concluded the actions of the applicant documented in the applicant's submission did not meet the criteria for the Airman's Medal. Therefore, irrespective of who signed the DECOR6, whether recommending officials had first-hand knowledge of the circumstances under review, or the applicant's status at the time as a Reserve member, the Decorations Board determined the applicant's actions did not meet the criteria for the Airman's Medal. Therefore, after a thorough review of the AFBCMR's original consideration of this case, the applicant's complete military personnel record, advisory opinions, the applicant's responses thereto, and the new evidence provided by the applicant, the Air Force Decorations Board is not convinced the applicant's actions meet the criteria for the Airman's Medal.

The complete advisory opinion is at Exhibit K.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 3 Dec 24 for comment (Exhibit L), and the applicant replied on 24 Dec 24. In his response, the applicant contended he provided explanations for the signatories on the DECOR 6 and a letter from his commander at the time of the incident. Both were acknowledged by the advisory opinion; however, nothing was noted as to what disqualified his application and supporting documentation from meeting the Air Force Decorations Board's criteria for consideration and award of the Airman's Medal, that would allow him to effectively provide additional information or explanation.

The only additional criteria the applicant could find through open sources beyond the overview of awarding the Airman's Medal, included:

1. The act must be heroic, usually at the risk of the recipient's life.
2. The act must be voluntary.
3. The act must be distinguished, but success or saving of life is not essential.

4. The recipient can be a member of the Ready Reserve, even if they were not in a duty status when the act occurred.

Based on the above criteria, and as noted in this advisory opinion from SAF/MRBP, the Air Force Decorations Board stated it was not convinced his actions meet the criteria for the Airman's Medal.

The actions he took that day were selfless and completely voluntary and clearly put his life in peril, while trying to thwart the carjacker and mitigate further danger to the mother and child, still strapped in her safety seat, as the assailant tried to drive away, with them trapped inside. As documented in the police reports and attested to by the witness statements, the actions the assailant took that day put everyone involved in danger. Beginning with the family in the convertible at the gas pumps, after the father prevented him from stealing their car, the suspect grabbed the gas nozzle and started to douse them with gas. Next was a man starting to drive away from the station with the suspect trying, unsuccessfully, to gain entry to his truck, which stopped in front of the car wash bay the applicant had just exited. Finally, the assailant ran into the car wash bay and into a lady's van. The applicant was nearly to the door of the gas station, when all this transpired, when he heard a scream coming from the car wash bay. The applicant immediately ran towards the bay and saw the lady struggling with the suspect who was in the driver's seat. She was reaching over from the rear of the van. The applicant quickly ran to the open door on the driver's side and first tried reaching across the suspect to remove the key from the ignition. The suspect already had the shifter in gear and the applicant could not remove the key. Next, the applicant proceeded to grab the suspect, who had a firm grip on the steering wheel, and the car wash floor was wet, and the applicant could not get any traction. Suddenly, the van began to move backwards into a car that was waiting to use the car wash, directly behind the van. The impact of the van hitting the car to push it down the incline, forced the applicant to break his hold on the suspect. The applicant fell to the floor avoiding being pinned to the back wall of the car wash. The applicant regained his footing, though barefoot at this point, his slippers had come off in the wet scuffle with the assailant. The applicant ran out of the back of the car wash bay in time to see the van careen across the street and into the propane tank property chain link fence. He ran barefoot across the street and knew this was his last chance to try and subdue the suspect or disable the van from getting away. The applicant was able to finally turn off the engine, throwing the keys to the ground and, with help from the man whose car had been struck at the car wash, removed the suspect from the van and held him on the ground until the police, who were on scene by this time, took the assailant into custody. The applicant was concerned about where the van had come to rest at the propane tank property as there were propane bottles laying along the fence. The applicant was worried the van could have punctured one of them, so he advised the mother and her daughter to move back across the street. The witness statements were taken from everyone the suspect came into contact with during his short rampage around the gas station and car wash that day. Their statements and viewpoints echo the danger this person caused and attest to the applicant's involvement to try and secure the mother's and child's safety.

The applicant does not know what merits were not met or recognized by the actions and risk he took during this incident. The applicant would not have pursued this application for so many years if he was told initially that he did not meet the criteria for consideration and award of the Airman's Medal. The applicant's original DD Form 149, *Application for Correction of Military Record*, was to request waiving the timeframe for submission for the award. He was asked for additional information and further explanation. The applicant provided everything that was requested to the best of his ability and resources.

The applicant's complete response is at Exhibit M.

FINDINGS AND CONCLUSION

1. The application was timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, to include the applicant's rebuttal, the Board remains unconvinced the evidence presented demonstrates an error or injustice. The Board concurs with the rationale and recommendation of SAF/MRBP and finds a preponderance of the evidence does not substantiate the applicant's contentions. The evidence submitted by the applicant was put before the Air Force Decorations Board for consideration and that board disapproved the request based on the evidence submitted. Irrespective of the administrative issues noted in the previously provided AFPC/DP3SP advisory, or other alleged administrative errors argued by the applicant, and upon review of new evidence provided for reconsideration, the applicant's actions did not meet the criteria for the Airman's Medal. Therefore, the Board recommends against correcting the applicant's records.

RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

CERTIFICATION

The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2016-02922 in Executive Session on 19 Dec 24 and 27 Feb 25:

, Panel Chair
, Panel Member
, Panel Member

All members voted against correcting the record. The panel considered the following:

Exhibit I: Record of Proceedings, w/ Exhibits A-H, dated 8 May 18.
Exhibit J: Application, DD Form 149, w/atchs, dated 5 Mar 24.
Exhibit K: Advisory Opinion, SAF/MRBP, dated 3 Dec 24.
Exhibit L: Notification of Advisory, SAF/MRBC to Applicant, dated 3 Dec 24.
Exhibit M: Applicant's Response, dated 24 Dec 24.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

X

Board Operations Manager, AFBCMR