

## ADDENDUM TO RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

XXXXXXXXXXXXXXXXXX

**DOCKET NUMBER:** BC-2017-01819-2

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

### APPLICANT'S REQUEST

The Board reconsider her request to:

1. Change the "Given Under Hand Date" of her Meritorious Service Medal (MSM) awarded for the period 8 Mar 10 to 18 May 12, from 22 Aug 18 to the date of her permanent change of station (PCS) date, 18 May 12.
2. Her updated record receive supplemental promotional consideration for the impacted senior master sergeant (E-8) promotion cycles (2013-2017).

### RESUME OF THE CASE

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

On 22 Aug 18, according to documentation submitted by the applicant, she was awarded the MSM for meritorious service 8 Mar 10 to 18 May 12.

On 30 Aug 18, the applicant was relieved from active duty, retired effective 1 May 18, having served 20 years and 9 days of active service.

On 28 Feb 19, the Board considered and denied her request for promotion to the grade of SMSgt be effective with the first cycle she was eligible. Her request that her records be corrected to reflect award of the Meritorious Service Medal (MSM) for the period 8 Mar 10 to 18 May 12, was referred to the Recognitions process.

For an accounting of the applicant's original request and the rationale of the earlier decision, see the AFBCMR Letter and Record of Proceedings at Exhibit F.

On 8 Feb 21, the applicant requested reconsideration of her request. She contends, had her MSM been properly processed (Given Under My Hand date reflecting 18 May 12, effective date of her PCS), it would have had a positive impact on her promotion to E-8. Instead, the delay (MSM officially not signed until 2018, after her 2017 SSB), through no fault of her own, negatively impacted her career (she was not selected for promotion to E-8 by SSB). In support of her reconsideration request, the applicant submitted the following new evidence: (1) MSM Certificate, signed 22 Aug 18 (2) Special Order **Work-Product**, dated 24 Oct 18.

The applicant's complete submission is at Exhibit G.

### AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the applicant's request to change the "Given Under Hand Date" of her MSM awarded for the period 8 Mar 10 to 18 May 12, from 22 Aug 18 to the date of her permanent change of station (PCS) date, 18 May 12. The "Given Under My Hand" date is the date the approving official approves the military ribbon/medal. In accordance with (IAW) Title 10 U.S.C. Section 6249, "No medal, cross, or bar, or associated emblem or insignia may be awarded or presented to any USAF member or their representative, if the member's entire service subsequent to the time of the distinguished act, achievement, or service has not been honorable."

At the time of the applicant's original MSM recommendation, the award was withheld pending the outcome of an AFOSI/IG investigation to close on a "3" rating on an Enlisted Performance Report (EPR). According to the applicant, the Evaluation Report Appeals Board (ERAB) approved her request to remove the "3" EPR from her records 28 Dec 16. In an advisory, dated 19 Dec 17, the applicant was denied her request for award of the MSM, as she had not exhausted all administrative means by first appealing to the original approval authority to solicit possible correction to the MSM; IAW AFI 36-2803, *The Air Force Military Awards and Decorations Program*, citing that "Decoration approval authorities who published an original order are the only ones authorized to amend, revoke, or rescind an order." She then petitioned the original approving authority for award of the MSM. Based on the new evidence submitted by the applicant, the original approval authority awarded the applicant the MSM with Special Order Work-Product, dated 24 Oct 18, and the award certificate with "Given Under My Hand" date of 22 Aug 18. The applicant was under investigation, and it appears the approving authority was awaiting the results of the investigation to determine if the period of service was "honorable," and therefore, the "Given Under My Hand" date was accurate at the time the award was approved. To change the "Given Under My Hand" date, is back dating the approval date, to a date which would be inaccurate. To grant relief would be contrary to the criteria established by law, DoDM 1348.33, *Manual of Military Decorations Awards*, and AFI 36-2803.

The complete advisory opinion is at Exhibit H.

## **APPLICANT'S REVIEW OF AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 28 Feb 22 for comment (Exhibit I) but has received no response.

## **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, the Board concludes the applicant is the victim of an error or injustice. While the Board notes the recommendation of AFPC/DP3SP against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions. Specifically, the Board determines the applicant's situation is different from other similarly situated members as her service was honorable (no misconduct) prior to and subsequent to the MSM rendered for the period 8 Mar 10 to 18 May 12. In view of this, the Board recommends the "Given Under Hand Date" for the Meritorious Service Medal (MSM) awarded for the period 8 Mar 10 to 18 May 12, be changed from 22 Aug 18 to the date of her permanent change of station (PCS) date of 18 May 12. Additionally, the board recommends the applicant receive supplemental promotion consideration for all impacted senior master sergeant (E-8) promotion cycles. Therefore, the Board recommends correcting the applicant's records as indicated below.

4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

### **RECOMMENDATION**

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show:

1. The Meritorious Service Medal (MSM) for the period 8 Mar 10 to 18 May 12, be changed with a Given Under My Hand Date of 18 May 12 rather than 22 Aug 18.
2. She receives supplemental promotion consideration for senior master sergeant for all appropriate cycles for which the MSM was a matter of record.

### **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 Docket Number BC-2017-01819-2 in Executive Session on 31 May 22 and 8 Nov 22:

, Panel Chair  
, Panel Member  
, Panel Member

All members voted to correct the record. The panel considered the following:

Exhibit F: Record of Proceedings, w/ Exhibits A-E, dated 28 Feb 19.  
Exhibit G: Application, DD Form 149, w/atchs, dated 8 Feb 21.  
Exhibit H: Advisory Opinion, AFPC/DP3SP, dated 26 Feb 22.  
Exhibit I: Notification of Advisory, SAF/MRBC to Applicant, dated 28 Feb 22.

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

**X**

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Board Operations Manager, AFBCMR