



CUI//SP-MIL/SP-PRVCY

**UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS**

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2017-03039

COUNSEL: **Work-Product**

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, dated 23 Dec 68, be corrected to reflect award of the Distinguished Flying Cross.

APPLICANT'S CONTENTIONS

Due to administrative oversight, the Distinguished Flying Cross was inadvertently omitted from his DD 214.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is former Air Force Reserve captain (O-3).

On 23 Dec 68, according to his DD Form 214, the applicant was honorably released from active duty and credited with 5 years, 1 month, and 11 days of active service. Item 24, *Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized*, reflects: Air Medal with 15 Oak Leaf Clusters, Small Arms Expert Marksmanship Ribbon, Air Force Expeditionary Medal, Vietnam Service Medal with three Bronze Service Stars, National Defense Service Medal, Republic of Vietnam Campaign Medal, and the Air Force Outstanding Unit Award.

On 2 Feb 66, according to Special Order **Work-Product** dated 2 Feb 66, the applicant was awarded the Air Medal with 1st through 3rd Oak Leaf Clusters.

On 26 Apr 68, according to Special Order **Work-Product** dated 26 Apr 68, the applicant was awarded the Air Medal with 4th through 15th Oak Leaf Clusters.

On 26 Aug 68 According to Special Order **Work-Product** dated 26 Aug 68, he was Medal with 16th Oak Leaf Cluster.

For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit C.

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the applicant's request. While the applicant provided, a copy of the Distinguished Flying Cross award citation that appears to have an official seal, it is

**AFBCMR Docket Number BC-2017-03039
CUI//SP-MIL/SP-PRVCY**

Controlled by: SAF/MRB
CUI Categories: SP-MIL/SP-PRVCY
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

unreadable and therefore, cannot be verified as authentic. Department of Defense Instruction (DoDI) 1348.33, *DoD Military Decorations and Awards Program*, section 19, *Use Of Unofficial Sources of Information to Determine Eligibility for Military Decorations*, states “As required by Section 528 of Public Law 116-92, the unofficial sources of information identified in this section are authorized for use by the Military Departments and the Secretary of Defense in determining eligibility for military decorations only in cases where the Service member's records containing official sources of information are incomplete due to the July 12, 1973 fire at the National Personnel Records Center, or any subsequent incident while the Service member's records were in DoD possession.” In this case, the applicant's record is available and unfortunately there is no documentation awarding the Distinguished Flying Cross.

According to Air Force Manual 36-2806, *Awards and Memorialization Program*, dated 10 Jun 19, paragraph A2.7. the Distinguished Flying Cross was established by an Act of Congress on 2 Jul 26 and is currently awarded pursuant to 10 U.S.C. § 9279. The medal is awarded to any person who, after 6 Apr 17, while serving in any capacity with the Air Force, distinguishes themselves by heroism or extraordinary achievement while participating in aerial flight. Both heroism and achievement are entirely distinctive, involving operations that are not routine. The performance of the act of heroism must be evidenced by voluntary action above and beyond the call of duty. The extraordinary achievement must have resulted in an accomplishment so exceptional and outstanding as to clearly set the individual apart from comrades or from other persons in similar circumstances. Awards are made only to recognize single acts of heroism or extraordinary achievement and they are not made in recognition of sustained operational activities against an armed enemy.

The complete advisory opinion is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 18 Oct 22, for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was not 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 not the victim of an error or injustice. The Board finds the applicant does not meet the established criteria for award of the Distinguished Flying Cross; therefore, the Board concurs with the rationale and recommendation of AFPC/DP3SP and finds a preponderance of the evidence does not substantiate the applicant's contentions. Although the applicant provided a Citation to Accompany Award of the Distinguished Flying Cross, the citation is unsigned, and the seal is unclear. Additionally, no documentation was found within the applicant's official military record awarding the Distinguished Flying Cross. The Board also notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Department of Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence. The Board does not find it in the interest of justice to waive the three-year filing requirement. Therefore, the Board finds the application untimely and recommends against correcting the applicant's records.

RECOMMENDATION

The Board recommends informing the applicant the application was not timely filed; it would not be in the interest of justice to excuse the delay; 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 DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1 considered Docket Number BC-2017-03039 in Executive Session on 4 May 23:

<i>Work-Product</i>	Chair, AFBCMR
<i>Work-Product</i>	Panel Member
<i>Work-Product</i>	Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 20 Jun 17.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 7 Oct 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 18 Oct 22.

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.

8/7/2023

X *Work-Product*

Board Operations Manager, AFBCMR

Signed by: *Work-Product*