

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2018-01875

XXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be corrected to reflect award of the Air Force Combat Action Medal.

APPLICANT'S CONTENTIONS

He was deployed to xxx from December 2001 to June 2002. Upon arrival in xxx, he manned defensive fighting positions during numerous attacks by enemy forces. Members of the xxx, Civil Engineering Squadron, were the only "non-special forces" Air Force members trained in ground base defense. This resulted in several weeks of direct enemy gun fire from the xxx insurgents.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force technical sergeant (E-6).

On 11 June 1985, according to DD Form 214, the applicant entered active duty.

DA Form 638, *Recommendation for Award*, provided by the applicant, shows he was recommended for award of the Army Commendation Medal for "Exceptionally meritorious service, under combat conditions," for the period 30 December 2001 to 1 June 2002.

On 22 Apr 02, the applicant was awarded the Army Commendation Medal for the period 30 December 2001 to 1 June 2002, "For meritorious service while deployed to xxx xxx in support of xxx. [Applicant's] professionalism, and commitment to mission success set the example for all to emulate. His efforts reflect great credit upon him, Task Force xxx, xxx (Air Assault), the United States Air Force."

According to XXX, dated 29 December 2004, the applicant was relieved from active duty and retired in the grade of E-6, effective 1 July 2005. He was credited with 20 years and 20 days of active service for retirement.

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

APPLICABLE AUTHORITY/GUIDANCE

Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*, paragraph 3.25. *Dual Recognition*. Only one decoration is authorized for the same act, achievement, or period of service. This includes Department of Defense and the other Military Services' decorations.

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the application. According to AFMAN 36-2806, *Awards and Memorialization*, paragraph A14.17.1., nomination for the Air Force Combat Action Medal is restricted to members of the U.S. Armed Forces who on or after 11 September 2011 ¹[sic]: (1) Deliberately go into the enemy's domain (outside the wire) to conduct official duties, either on ground or in the air, and have come under enemy fire by lethal weapons while performing those duties, and are at risk of grave danger; or (2) While defending the base (inside/on the wire), member came under fire and engaged the enemy with direct and lethal fire, and are at risk of grave danger; or (3) Are personnel in ground operations who actively engage the enemy with direct and lethal fire also may qualify even if no direct fire is taken, as long as there was risk of grave danger and meets other criteria.

The applicant did not provide sufficient documentation required for award of the Air Force Combat Action Medal, specifically, supporting documentation from individuals with firsthand knowledge of the action/circumstances supporting this medal. While DA Form 638 states "in combat conditions," the applicant's role/duties "in combat conditions" is unknown.

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 13 December 2022, 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 applicant provided evidence he was awarded the Army Commendation Medal for the period 30 December 2001 to 1 June 2002, the same period he contends he should have been awarded the Air Force Combat Action Medal. However, although the applicant states his service was under combat conditions, it is clear his leadership at the time did not believe his actions, while commendable, rose to the level to meet the criteria for award of the Air Force Combat Action Medal. In addition, according to AFMAN 36-2806, only one decoration is authorized for the same act, achievement, or period of service, including other Military Services' decorations. As such, dual recognition is not authorized. Therefore, the Board finds the preponderance of the evidence does not substantiate the applicant's contentions. 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 the 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

¹ 11 September 2001.

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, paragraph 2.1 considered Docket Number BC-2018-01875 in Executive Session on 16 March 2023:

- , Panel Chair
- , Member
- , Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 7 May 2018.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 7 October 2019.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 13 December 2022.

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.

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Board Operations Manager, AFBCMR