



Work-Product

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2019-00393

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He be awarded the Legion of Merit.

APPLICANT'S CONTENTIONS

On 30 Jun 88, he retired from active service. He was awarded the Legion of Merit during his retirement ceremony; however, it was never added to his DD Form 214, *Certificate of Release or Discharge from Active Duty*.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force colonel (O-6).

On 20 May 88, according to Special Order **Work-Product** provided by the applicant, he was awarded the Legion of Merit for exceptionally meritorious conduct in the performance of outstanding service during the period 8 Mar 81 through 30 Jun 88.

On 30 Jun 88, according to his DD Form 214, the applicant was separated for the purpose of retirement. Item 13, *Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized*, does not reflect the Legion of Merit.

On 1 Jul 88, according to Special Orders No. **Work-Product**, the applicant was retired and credited with 30 years and 21 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.

AIR FORCE EVALUATION

AFPC/DP3SP recommends granting the application. Based on documentation provided by the applicant and analysis of the fact, there is sufficient evidence of an error or injustice. The applicant was presented the Legion of Merit during his retirement ceremony and is requesting to have it reflected on his DD Form 214. A citation for the Legion of Merit was found in the applicant's official military personnel record. However, a signed certificate and special order for the Legion of Merit were not located in the applicant's official military personnel record.

The complete advisory opinion is at Exhibit C.

AFBCMR Docket Number BC-2019-00393

Work-Product

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APPLICANT’S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 14 Dec 22, for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed, but it is in the interest of justice to excuse the delay.
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. The Board concurs with the rationale and recommendation of AFPC/DP3SP and finds a preponderance of the evidence substantiates the applicant’s contentions. Therefore, the Board recommends correcting the applicant’s records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show his DD Form 214, *Certificate of Release or Discharge from Active Duty*, item 13, was amended to include the Legion of Merit awarded for service performed during the period 8 Mar 81 through 30 Jun 88.

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-2019-00393 in Executive Session on 18 May 23:

-  Panel Chair
-  Panel Member
-  Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 13 Sep 18.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DP3SP, dated 14 Dec 22.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 22 Dec 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.

Work-Product