

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2019-00424

XXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

1. His DD Form 214, *Certificate of Release or Discharge from Active Duty*, Block 13, *Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized* to reflect award of the following:

- a. Meritorious Service Medal for the period 1992 to 1995 (Administratively corrected).
- b. Humanitarian Service Medal for the period 15 June 1991 to 15 April 1992.

2. He be awarded Foreign Service time for the following locations:

- a. Turkey (Administratively corrected).
- b. Iraq (Administratively corrected).
- c. Somalia (Administratively corrected).

APPLICANT'S CONTENTIONS

The contested awards are not recorded on his DD Form 214 nor on his Decoration's Surf. Also, deployment locations are not recorded on his DD Form 214.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 11 February 1995, the applicant was honorably discharged in the grade of captain. He served eight years, five months and one day total active duty service. He was credited with 1 year, 11 months and 29 days of Foreign Service time. His narrative reason for separation reflects Resign – Early Release Program – Voluntary Separation Incentive.

On 4 April 2019, AFPC/DP3AM advised the applicant that it had been determined that corrective action had been resolved through pertinent administrative procedures. After a complete review of his official military record and documentation provided, DP3AM was able to verify and confirm boots on ground Foreign Service time in xxx and xxx from 1 August 1991 to 30 September 1991,

for two months. However, they were unable to verify any Foreign Service time in xxx. The amount of Foreign Service time reflected on the applicants DD Form 214, is correct (Exhibit B).

On 9 April 2018, during the initial review of the applicant's case, AFPC/DP3AM recommends denial of the applicant's request that his record reflect Foreign Service in xxx noting they were able to verify and confirm Foreign Service boots on ground in xxx, but unfortunately was unable to verify any Foreign Service in xxx. However, on 22 April 2019, AFPC/DP3AM advised the applicant that it had been determined that corrective action had been resolved through pertinent administrative procedures. After a complete review of his official military record and documentation provided, DP3AM was able to verify and confirm boots on ground Foreign Service time in xxx; but unfortunately, was unable to determine the inclusive dates of this service. The amount of Foreign Service time reflected on his DD Form 214 is correct; therefore, a correction is not needed. Since specific locations are not annotated on a member's DD Form 214, this letter can be used as proof of "boots on ground" for xxx (Exhibit B).

On 23 April 2019, the portion of the applicant's request for the award of the Meritorious Service Medal and Humanitarian Service Medal was forwarded to AFPC Recognitions for review. Therefore, his case was closed pending AFPC Recognition's review (Exhibit F).

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

APPLICABLE AUTHORITY

The Humanitarian Service Medal is awarded to members of the United States Armed Forces and their Reserve components who, after 1 April 1975, distinguished themselves as individuals or members of US military units or ships, by meritorious, direct participation in a significant military act or operation of humanitarian nature.

The following types of military acts or operations may qualify for award of the HSM:

1. Significant assistance in the event of national or international disasters, natural or manmade, such as, but not limited to, earthquakes, floods, hurricanes, typhoons, or conflagrations.
2. Relief to a famine-stricken area.
3. Evacuation of personnel from an area threatened by a hostile force.
4. Support or resettlement of refugees or evacuees.
5. Other significant military activities, directly related to humanitarian service, as designated in Military Service regulations. These must be above and beyond routine actions. For example, normal search and rescue (SAR) operations conducted by SAR units specifically trained for these types of missions would not be eligible for HSM consideration. Similarly, in accordance with the laws and traditions of the seas, the rescue of stricken vessels by naval units would not normally be eligible.

AIR FORCE EVALUATION

AFPC/DP3AM recommended denial of the applicant's request that his record reflect Foreign Service in xxx noting they were able to verify and confirm Foreign Service boots on ground in xxx, but unfortunately was unable to verify any Foreign Service in xxx.

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 17 April 2019 for comment (Exhibit D), and the applicant replied on 22 April 2019. In his response, the applicant provided a copy of his orders to xxx and ask that his deployment be added to his DD Form 214.

The applicant's complete response is at Exhibit E.

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the application. After a thorough review of the official military personnel record, we were unable to verify award of the Meritorious Service Medal (unable to verify nomination or approval, no citation provided) and the Humanitarian Service Medal (unable to verify as documentation provided is only travel orders and absent is the applicant actually departed and arrived to location) based on the official record and the documentation provided by the applicant. In addition, correspondence was sent to the applicant on 29 October 2019, requesting additional documentation to possibly administratively correct his official record and award the Meritorious Service Medal and the Humanitarian Service Medal. Unfortunately, as of the date of this memo a response has not been received from the applicant and therefore unable to administratively correct due to insufficient documentation verifying eligibility of the Meritorious Service Medal and the Humanitarian Service Medal.

The complete advisory opinion is at Exhibit G.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 1 April 2021 for comment (Exhibit H), and the applicant provided a copy of his MSM certificate, citation and special order. Regarding the Humanitarian Service Medal, the applicant indicated he provided TDY orders, Army Achievement Medal, and his 1994 Officer Performance Report with the xxx deployment highlighted in section IV.

The applicant's complete response is at Exhibit I.

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 concurs with the rationale and recommendation of AFPC/DP3SP and finds a 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 Air Force Instruction 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, other than the administrative corrections to his record, the Board finds the application untimely and recommends against correcting the applicant's records beyond that administered administratively.

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 Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2019-00424 in Executive Session on 26 January 2022:

Mr., Panel Chair
Ms., Panel Member
Dr., Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 27 December 2018.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3AM, dated 9 April 2018.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 17 April 2019.
- Exhibit E: Applicant's Response, w/atchs, dated 22 April 2019.
- Exhibit F: SAF/MRBC Letter to Applicant, dated 23 April 2019.
- Exhibit G: Advisory Opinion, AFPC/DP3SP, dated 1 April 2021.
- Exhibit H: Notification of Advisory, SAF/MRBC to Applicant, dated 1 April 2021.
- Exhibit I: Applicant's Response, w/atchs, dated 1 April 2021.

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

Board Operations Manager, AFBCMR