

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2019-02622

XXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

His DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, effective 9 April 1970, Item 24, *Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized*, be amended to reflect the following awards:

- a. Air Force Outstanding Unit Award with one Bronze Oak Leaf Cluster (**Will be administratively corrected**).
- b. Armed Forces Expeditionary Medal with one Bronze Service Star.
- c. Armed Forces Service Medal with one Bronze Service Star

### APPLICANT'S CONTENTIONS

The Air Force Outstanding Unit Award was earned for his assignment to the XXX. The Armed Forces Service Medal should be approved for Operation Uphold Democracy, Bosnia-Herzegovina and Croatia Operations Joint Guard and Joint Endeavor. The Armed Forces Expeditionary Medal should be awarded for operations in Southwest Asia – Operation Southern Watch and Bosnia-Herzegovina and Croatia – Operation Joint Guard and Joint Endeavor.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a former Air Force senior airman (E-4).

On 8 September 1993, according to DD Form 214, the applicant entered active duty. On 7 September 1997, the applicant was honorably released from active duty and transferred to the Air Force Reserve. He served 4 years total active service including 4 months and 9 days of foreign service. His DD Form 214, Item 24, indicates he was awarded the Joint Service Achievement Medal, Air Force Achievement Medal with one device, Air Force Training Ribbon, Southwest Asia Service Medal with one device, National Defense Service Medal, Small Arms Expert Marksmanship Ribbon/Rifle, NATO Medal, Joint Meritorious Unit Award, Air Force Good Conduct Medal, and the Air Force Longevity Service Award.

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 award of the Armed Forces Service Medal with the Bronze Service Star and the Armed Forces Expeditionary Medal with one Bronze Service Star. According to Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*, the Armed Forces Expeditionary Medal is awarded to members of the U.S. Armed Forces who, after 1 July 1958, participated in U.S. military operations, U.S. operations in direct support of the United Nations, or U.S. operations of assistance for friendly foreign nations. The Joint Chiefs of Staff designate operations that qualify for the Armed Forces Expeditionary Medal, specifies the degree of participation required, and defines the area of operations.

To be eligible, Service members must be bona fide members of a unit participating in or be engaged in the direct support of the operation for 30 consecutive days in the area of operations (or for the full period when an operation is less than 30 days duration), or for 60 nonconsecutive days provided the support involved entering the area of operations or met one or more of the following criteria: (1) Be engaged in actual combat, or duty which is equally as hazardous as combat duty, during the operation with armed opposition, regardless of time in the area; (2) Is wounded or injured and requires medical evacuation from the area of eligibility while participating in the operation, regardless of time; (3) Accumulate 15 days service (consecutive/nonconsecutive) while participating as a regularly assigned crewmember of an aircraft flying sorties into, out of, within, or over the area in direct support of the military operation. One day of service is credited for the first sortie flown on any day. Additional sorties flown on the same day receive no further credit. Prior to 1 December 1995, members on aircrew status were only required to fly over or into the area of eligibility for one day during the conflict to qualify for the medal.

They are unable to verify the applicant's eligibility for the Armed Forces Expeditionary Medal for Operation SOUTHERN WATCH as the applicant was previously awarded the Southwest Asia Service Medal for the same period of service and would be considered dual recognition. In addition, the applicant requested the Armed Forces Expeditionary Medal for Bosnia-Herzegovina and Croatia for Operation JOINT GUARD and Operation JOINT ENDEAVOR. However, the deployment was to Italy and is not in the area of responsibility for the Armed Forces Expeditionary Medal.

The Armed Forces Service Medal was established by Executive Order 12985, to recognize Service members who, on or after 1 June 1992, participate, or have participated, in designated U.S. military and encounter no foreign armed opposition or imminent hostile action. The medal may be awarded to members who, after 1 June 1992: (1) Participate, or have participated, as members of U.S. military units, in a U.S. military operation that is deemed to be a significant activity by the Joint Chiefs of Staff; and (2) Encounter no foreign armed opposition or imminent threat of hostile action. Members must have been permanently assigned, attached, or detailed to a unit that deployed to participate in a designated U.S. military operation within the area of eligibility for 30 consecutive days. Aircrew members must have participated as a regularly assigned crew member on an aircraft flying into, out of, within, or over the area of eligibility in direct support of the designated military operation for 30 consecutive days or 60 non-consecutive days. One day of service is credited for the first sortie flown on any day. Additional sorties flown on the same day receive no further credit. The medal recognizes participants who deploy to the designated area of eligibility for the qualifying operation. Outstanding or meritorious performance of non-deployed or remotely located support units and individuals does not justify awarding the Armed Forces Service Medal. Such performance may be recognized with a decoration.

The applicant does not qualify for the Armed Forces Service Medal with once Bronze Service Star for Operation UPHOLD DEMOCRACY as XXX is not the area of responsibility for award.

To grant relief would be contrary to the criteria established by DoDM 1348.33, *Manual of Military Decorations and Awards* and AFMAN 36-2806.

Notwithstanding, they were able to verify the applicant's eligibility for the Air Force Outstanding Unit Award with one Bronze Oak Leaf Cluster and the Armed Forces Service Medal. Accordingly, the applicant's record will be administratively corrected following the Board.

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 14 November 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 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 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 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 beyond that rendered 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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2019-02622 in Executive Session on 16 March 2023:

, Panel Chair  
, Panel Member  
, Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 18 April 2019.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 26 October 2021.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 14 November 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.

**X**

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Board Operations Manager, AFBCMR