

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2019-03327

XXXXXXXXXXXXXXXXXX

COUNSEL: XXXXX

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be corrected to reflect the following awards:

- a. Air Medal with one Bronze Oak Leaf Cluster
- b. Southwest Asia Service Medal (**Will be administratively corrected**)
- c. Kuwait Liberation Medal - Kuwait (**Will be administratively corrected**)
- d. Kuwait Liberation Medal - Saudi Arabia (**Will be administratively corrected**)

APPLICANT'S CONTENTIONS

He deployed to [Work-Product], as an Aircraft Commander/Instructor Pilot of an E3 Airborne Warning and Control System (AWACS) aircraft in support of Operations [Work-Product] [Work-Product] and [Work-Product] [Work-Product] from [Work-Product]. On 8 Apr 91, a lieutenant general in his command issued Special Order [Work-Product] authorizing the Air Medal for all AWACS crew members who flew 10 combat missions. Given that he flew 24 combat mission and 5 combat support missions during Operation [Work-Product] [Work-Product], he should be awarded two Air Medals. Due to administrative error, the necessary paperwork was not submitted on his behalf and he out processed without the awards.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an honorably separated Air Force captain (O-3) who entered the Regular Air Force on 14 Dec 84.

On 10 Apr 91, according to AF Form 707B, *Company Grade Officer Performance Report (OPR)*, provided by the applicant, his commander signed the OPR, which indicates the applicant flew numerous missions in direct support of Operation [Work-Product] [Work-Product] [Work-Product].

On 31 May 91, *Annual Flying History Report*, provided by the applicant was prepared and indicates he was credited with 24 combat sorties and 5 combat support sorties.

On 8 Jul 91, according to DD Form 1351-2, *Travel Voucher or Subvoucher*, provided by the applicant, he was paid for his deployment to [Work-Product] from [Work-Product].

On 8 Aug 91, according to documentation provided by the applicant, Special Order Work-Product, was published awarding the Air Medal for meritorious achievement while participating in aerial flight during the period indicated for each military member. The Special order did not include the applicant's name.

On 26 Nov 91, according to DD Form 214, the applicant was released from active duty, with honorable service characterization. Item 13, *Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized*, indicates: Armed Force Expeditionary Medal, with one Device; National Defense Service Medal; Air Force Training Ribbon; Air Force Longevity Service Award; and Air Force Outstanding Unit Award, with one Device.

On 3 Dec 19, the Air Force Personnel Center (AFPC) Recognition Team informed the applicant they were able to verify award of the Southwest Asia Service Medal with two Bronze Service Stars, the Kuwait Liberation Medal-Saudi Arabia and the Kuwait Liberation Medal-Kuwait. They informed the applicant in order to reasonably consider his request for award of the Air Medal with one Bronze Oak Leaf Cluster he would need to submit a complete decorations package, for each award, to include: a signed recommendation from someone with firsthand knowledge of the act/achievement, preferably from someone within his chain of command at the time of the act/achievement and a proposed citation. Narrative must be signed by the recommending official (recommending official must be in your chain of command and have firsthand knowledge) and eyewitness statements. Further, if AFPC did not receive additional documents within 30 days of the date of their letter, the case would be referred to the Board.

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 Air Medal with one Bronze Oak Leaf Cluster. According to Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*, paragraph A2.12, the Air Medal was authorized by Executive Order 9158, dated 11 May 42, as amended by Executive Order 9242-A, dated 11 Sep 42. The medal is awarded to any person who, while serving in any capacity with the Air Force, distinguishes himself or herself by meritorious achievement while participating in an aerial flight. The medal may be awarded for combat or non-combat action in recognition of single acts of valor, heroism, or merit while participating in an aerial flight. Both heroism and achievement are entirely distinctive, involving operations that are not routine. The medal is not awarded for sustained operational activities and flights.

Correspondence was sent to the applicant on 3 Dec 19 requesting additional evidence to possibly administratively correct the applicant's record for the Air Medal with one Bronze Oak Leaf Cluster. However, he has not responded. To grant relief would be contrary to the criteria established by AFMAN 36-2806.

Notwithstanding the above, they were able to verify awards of the Southwest Asia Service Medal with two Bronze Service Stars, the Kuwait Liberation Medal – Kuwait, and the Kuwait Liberation Medal – Saudi Arabia. Accordingly, his recorded will be 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 20 Oct 21, 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 indicated a lieutenant general in his command issued Special Order [REDACTED] authorizing the Air Medal for all AWACS crew members who flew 10 combat missions. However, the special order provided by the applicant did not specify a required number of missions, nor did it include the applicant's name. 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. 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 AFPC/DP3SP will make to the applicant's record, 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 Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2019-03327 in Executive Session on 17 Mar 22:

- , 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 4 Jun 19.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 11 Oct 21.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 20 Oct 21.

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.

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