

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2019-04114

XXXXXXXXXX

COUNSEL: NONE

XXXXXXXXXX

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Correct her DD Form 214, *Certificate or Release or Discharge from Active Duty*, to reflect award of the Armed Forces Expeditionary Medal (AFEM).

APPLICANT'S CONTENTIONS

She deployed to [Work-Pr...], former Republic of [Work-Product] in support of Operation [Work-Product] in 2001 and 2002. Based on this service, she should have received the AFEM.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force senior airman (E-4) who entered the Regular Air Force on 10 Sep 97.

On 13 Mar 01, Special Order [Work-Product], provided by the applicant, was published naming the applicant as a member deploying to [Work-Pr...], [Work-Product] in support of Operation [Work-Product], with a proceed on or about date of 19 Mar 01 for three days.

On 15 Jan 02, Special Order [Work-Product], provided by the applicant, was published naming the applicant as a member deploying to [Work-Pr...], B-H in support of Operation [Work-Product], with a proceed on or about date of 17 Jan 02 for three days.

On 9 Aug 02, the applicant was released from active duty and transferred to the Air Force Reserve. She was credited with 3 years and 27 days of Foreign Service.

On 17 Jan 22, AFPC/DP2WR informed the applicant they were able to verify her deployment to [Work-Pr...], [Work-Product] from 19-22 Mar 01 for three days.

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

APPLICABLE AUTHORITY

Department of Defense Instruction 1336.1, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*, which establishes and implements policy for the preparation and distribution of the DD Form 214, does not include a provision for update of temporary duty (TDY) assignments/locations on the DD Form 214. AFI 36-2110, *Total Force Assignments*, states; use a combination of the following documents to very completed TDY assignments: travel vouchers, PCS orders, decoration citations, enlisted or officer performance reports and records review Report on Individual Personnel.

Air Force Manual 36-2806, *Awards and Memorialization Program*. According to Table A14.2. *Armed Forces Expeditionary Medal Qualifying Operations*, Operation [Work-Product] for the period 21 Jun 98 – 2 Dec 04 is military operation that has been approved for the AFEM. The area of eligibility is [Work-Product] and Croatia.

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 the application. In accordance with AFMAN 36-2806, the AFEM is awarded to members of the United States (U.S.) Armed Forces who, after 1 Jul 58, participated in U.S. military operations, U.S. operations in direct support of the United Nations or U.S. operations of assistance to friendly foreign nations. The Joint Chiefs of Staff designates operations that qualify for the AFEM, specifies the degree of participation required, and defines the area of operations. Service members must be part 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 60 nonconsecutive days. After a thorough review of the applicant's military personnel record and the provided documentation, they were unable to verify the applicant's orders were executed and the applicant served in the area of eligibility for award of the AFEM. To grant relief would be contrary to the criteria established by DoDM 1348.33, *Manual of Military Decorations and Awards*, and AFMAN 36-2806.

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 5 Nov 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 Board notes AFPC/DP2WR verified the applicant deployed to [Work-Product] for three day; however, according to AFMAN 36-2806 a service member is required to serve in the area of eligibility for 30 consecutive days or 60 nonconsecutive days to qualify for the AFEM. Therefore, the Board concurs with the 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, 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-2019-04114 in Executive Session on 30 Jun 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 12 Jul 19.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 10 Oct 21.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 5 Nov 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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Board Operations Manager, AFBCMR