

Work-Product

CUI//SP-MIL/SP-PRVCY

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2020-00126

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Report of Separation from Active Duty*, be amended to include the Air Force Commendation Medal (AFCM).

APPLICANT'S CONTENTIONS

Due to a rapid withdrawal from Vietnam in Dec 72, not awarding him the AFCM was an oversight by his unit.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 28 Feb 99, according to DD Form 214, the applicant received an honorable discharge having served 3 years, 6 months, 18 days of total active service. He was also credited with 11 months of Foreign Service.

On 20 May 20, the Air Force Personnel Center (AFPC) Recognition Team informed the applicant they were unable to verify award of the AFCM. They informed the applicant to reasonably consider his request he would need to provide a decorations package to include a signed recommendation from someone with firsthand knowledge of the act/achievement, a proposed citation, eyewitness statements and a signed narrative from recommending official. AFPC informed the applicant he should send evidence to AFPC within 30 days of the date of their letter. After 30 days, the case would be referred to the Board.

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

APPLICABLE AUTHORITY/GUIDANCE

Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*. The Air Force Commendation Medal is awarded to any Service member, or to any member of the armed forces of a friendly foreign nation, who has distinguished himself or herself by meritorious achievement

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POC: SAF.MRBC.Workflow@us.af.mil

or service, valor or heroism. The medal is awarded to U.S. and foreign military personnel in the grade of O-6 and below.

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the application. After a thorough review of the official military personnel record and documentation provided by the applicant, they are unable to verify award of the AFCM. On 20 May 20, they sent a letter to the applicant requesting additional documentation to possibly administratively correct his official record and award the AFCM. As of the date of their advisory, a response has not been received from the applicant. To grant relief would be contrary to the criteria established by the Secretary of the Air Force per 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 29 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 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, 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

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The following quorum of the Board, as defined in Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.5, considered Docket Number BC-2020-00126 in Executive Session on 22 Jun 22:

Work-Product, Panel Chair
Work-Product, Panel Member
Work-Product, Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 7 Oct 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 29 Nov 21.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.12.9.

5/11/2023

X *Work-Pro...*

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Board Operations Manager, AFBCMR
Signed by: USAF