



Work-Product

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2020-00656

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: NO

APPLICANT’S REQUEST

He be awarded the Bronze Star Medal (BSM).

APPLICANT’S CONTENTIONS

He was going through his military records folder and found the recommendation form for the BSM for his service while stationed in Vietnam and believes it was lost and never processed. He requests it be processed so he can be awarded the BSM.

The applicant’s complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force technical sergeant (E-6).

On 28 Feb 78, according to Special Order Number Work-Product (AFMPC Form 45, *Retirement Order*), the applicant retired in the grade of technical sergeant and was credited with 20 years and 10 days of active service. The applicant’s AF Form 7, *Airman Military Record*, reflects the following; Section 2, *Foreign Service*, he was assigned to Vietnam from 30 May 71 to 30 May 72; Section 10, *Awards*: Air Force Good Conduct Medal with two Oak Leaf Clusters; Air Force Longevity Service Award with one Bronze Oak Leaf Cluster; National Defense Service Medal; Vietnam Service Medal with one Bronze Service Star; Republic of Vietnam Campaign Medal; Air Force Outstanding Unit Award; and the Small Arms Expert Marksmanship Ribbon.

On 6 Oct 21, the Air Force Personnel Center (AFPC) Recognition Team informed the applicant that after a thorough review of his official military personnel record, they were unable to verify award of the BSM. He was informed that even though he provided a medal recommendation, it was not signed and it did not appear to have gone through the appropriate approval channels. Further, he was informed that in order to reasonably consider his request for award of the BSM, he will need to submit a complete decoration package to include: a signed recommendation with someone with firsthand knowledge of the act/achievement, preferably within his chain of command at the time of the act/achievement, a proposed citation (Narrative must be signed by the recommending official, who must be in his chain of command and have firsthand knowledge), and eyewitness statements.

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

APPLICABLE AUTHORITY/GUIDANCE

Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*, Section 3E, *Individual Decorations*.

3.21.2. The process of awarding a decoration involves the chain of command. Typically, the supervisor prepares a nomination, the first sergeant reviews the nomination (if enlisted), the squadron commander endorses the nomination, the approval authority prepares the decoration elements, the military personnel files, updates and distributes the decoration elements, and then it is presented to the recipient. A variation of this process is authorized; however, the nominee's chain of command is primarily responsible to follow guidance in this manual.

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the request. After a thorough review of the applicant's official military personnel record and documentation provided by the applicant, to possibly provide administrative relief, award of the BSM was unable to be verified. While the applicant provided an unsigned AF Form 642, *Recommendation for Decoration*, and an unsigned narrative, the decoration package is incomplete as there is no proposed citation and no eyewitness statements. On 6 Oct 21, correspondence was sent to the applicant requesting additional documentation to possibly administratively correct the record. Unfortunately, the applicant has not responded.

In accordance with AFMAN 36-2806, 10 Jun 19, A2.9. Bronze Star Medal. The medal was established by EO 9419, 4 Feb 44, which was superseded by EO 11046, 24 Aug 62, amended by 10 USC § 1133, further amended by PL 111-383 section 571. The medal is awarded to any person who, while serving in or with the Air Force after 6 Dec 41, has distinguished himself or herself by heroism (valor), meritorious achievement or service, not involving participation in aerial flight: While engaged in an action against an enemy of the US; While engaged in military operations involving conflict with an opposing foreign force; While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the US is not a belligerent party. The medal may be awarded with the "V" device for valor in combat to a lesser degree than required for award of the Silver Star. The medal may also be awarded for meritorious achievement or service during armed conflict that is of a lesser degree than that required for award of the Legion of Merit.

Therefore, based on the documentation provided by the applicant and a review of his official record, there is no evidence of an error or injustice as the applicant does not meet the established criteria for award of the BSM. To otherwise grant the request would be contrary to the criteria established by 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 21 Jun 23 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 applicant believes that the award of the Bronze Star Medal was lost and never processed, and as evidence provides an AF Form 642, *Recommendation for Decoration*; however, the Board notes that the AF Form 642 is unsigned. As such, the Board determines in accordance with AFMAN 36-2806, the decoration package is incomplete as it lacks a signed recommendation by the recommending official, who must be in his chain of command and have firsthand knowledge, along with eyewitness statements. Therefore, the board recommends against correcting the applicant’s records. 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 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 and finds the application untimely.

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 Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2020-00656 in Executive Session on 9 Jan 24:

- 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 2 Dec 19.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 5 Dec 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 21 Jun 23.

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.

4/29/2024

X **Work-Product**

Work-Product

Board Operations Manager, AFBCMR

Signed by: **Work-Product**