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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

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DOCKET NUMBER: BC-2020-02097

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

1. His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be updated to reflect the National Defense Service Medal (NDSM). (**administratively corrected with AF Form 6**)
2. He be awarded the Southwest Asia Service Medal (SASM), and it be added to his DD Form 214.
3. He be awarded the Kuwait Liberation Medal-Saudi Arabia (KLM-SA), and it be added to his DD Form 214.
4. He be awarded the Kuwait Liberation Medal-Kuwait (KLM-K), and it be added to his DD Form 214.

APPLICANT'S CONTENTIONS

During his time on active duty, the applicant deployed to Saudi Arabia in support of Operation DESERT SHIELD and Operation DESERT STORM. However, at the time of his separation, medals for the Persian Gulf War period had not been issued. The applicant contends his active participation in the Persian Gulf War makes him eligible for the NDSM, SASM, KLM-SA, and KLM-K, and is requesting his DD Form 214 be updated so that he can provide proof to federal, state, county, and local organizations.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

According to the applicant's Enlisted Performance Reports for period of report 3 April 1985 thru 4 June 1986 with 120 days of supervision and 5 June 1986 thru 27 March 1987 with 296 days of supervision, the applicant was assigned to the 1936th Communications Squadron, Lajes Field, Azores, Portugal.

On 2 December 1990, according to DD Form 214, provided by the applicant, he separated after five-years and eight-months of active service. Block 12.f. *Foreign Service* reflects the applicant completed one-year, three-months, and four-days of Foreign Service.

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

APPLICABLE AUTHORITY/GUIDANCE

AFMAN 36-2806, *Personnel Awards and Memorialization Program*, 10 June 2019

A15.3. Southwest Asia Service Medal. The Southwest Asia Service Medal is awarded to all members of the U.S. Armed Forces who served in support of Operation DESERT SHIELD or DESERT STORM in one or more of the following areas from 2 August 1990 through 30 November 1995: The Persian Gulf, the Red Sea, the Gulf of Oman, the Gulf of Aden, that portion of the Arabian Sea that lies north of 100 N. latitude and west 680 E. longitude, as well as the total land areas of Iraq, Kuwait, Saudi Arabia, Oman, Bahrain, Qatar, and the United Arab Emirates.

Eligibility:

A15.3.1. Members serving in Israel, Turkey, Syria, and Jordan (including the airspace and territorial waters) directly supporting combat operations from 17 January 1991 through 30 November 1995 are also eligible for the Southwest Asia Service Medal.

A15.3.2. To be eligible, a Service member must have been attached to or regularly serving for one or more days with an organization participating in ground and/or shore (military) operations; attached to or regularly served for one or more days aboard a naval vessel directly supporting military operations; actually participating as a crew member in one or more aerial flights directly supporting military operations in the areas designated above; or serving on temporary duty or 30 consecutive days or 60 nonconsecutive days. These time limitations may be waived for people participating in actual combat operations.

A12.6. Kuwait Liberation Medal (Saudi Arabia). Authorized by the government of Saudi Arabia to members of the Coalition Forces who participated in Operation DESERT STORM. The medal is authorized for acceptance by Air Force members who:

A12.6.1. Served in support of operation DESERT STORM between 17 January and 28 February 1991, in one or more of the following areas: the Persian Gulf, the Red Sea, the Gulf of Oman, that portion of the Arabian Sea that lies north of 10 degrees north latitude and west of 68 degrees east longitude, the Gulf of Aden, or the total land areas of Iraq, Kuwait, Saudi Arabia, Omar, Bahrain, Qatar, and the United Arab Emirates.

A12.6.2. To be eligible, members must have been:

A12.6.2.1. Attached to or regularly serving for 1 or more days with an organization participating in ground or shore operations;

A12.6.2.2. Attached to or regularly serving for 1 or more days aboard a naval vessel directly supporting military operations;

A12.6.2.3. Actually participating as a crew member in 1 or more aerial flights supporting military

operations in the areas designated above; or

A12.6.2.4. Serving on temporary duty for 30 consecutive days during this period. That time limitation may be waived for people participating in actual combat operations.

A12.7. Kuwait Liberation Medal (Kuwait). Authorized by the government of Kuwait to members of the U.S. Military who participated in Operations DESERT SHIELD, DESERT STORM, and the Cease Fire Campaign. Air Force members are authorized to accept and wear the Kuwait Liberation Medal (Kuwait). The medal is authorized for acceptance by Air Force members who:

A12.7.1. Served in support of Operations DESERT SHIELD, DESERT STORM or the Cease Fire Campaign between 2 August 1990, and 31 August 1993, in one or more of the following areas: the Arabian Gulf, the Red Sea, the Gulf of Oman, that portion of the Arabian Sea that lies north of 10 degrees north latitude and west of 68 degrees east longitude, the Gulf of Aden, or the total land areas of Iraq, Kuwait, Saudi Arabia, Omar, Bahrain, Qatar, and the United Arab Emirates.

A12.7.2. To be eligible, members must have been:

A12.7.2.1. Attached to or regularly serving for 1 or more days with an organization participating in ground or shore operations;

A12.7.2.2. Attached to or regularly serving for 1 or more days aboard a naval vessel directly supporting military operations;

A12.7.2.3. Actually participating as a crew member in 1 or more aerial flights directly supporting military operations in the areas designated above; or

A12.7.2.4. Serving on temporary duty for 30 consecutive days or 60 non-consecutive days during this period. That time limitation may be waived for people participating in actual combat operations.

A12.7.3. AF/A1 approves exception to policy requests for the Kuwait Liberation Medal (Kuwait), except for the eligibility period and geographic boundaries for the award.

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the application. The applicant requested his DD Form 214 be updated to reflect the NDSM, SASM, KLM-SA, and the KLM-K. AFPC/DP3SP verified the applicant was eligible for the NDSM and administratively corrected the applicant's DD Form 214; however, there was no documentation to verify the applicant was in the area of responsibility and for the duration of time that met the criteria for award of the SASM, KLM-SA, or KLM-K.

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 15 March 2023 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 found no evidence the applicant qualified or was awarded the SASM, KLM-SA, or the KLM-K. 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)*. 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.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

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-2020-02097 in Executive Session on 30 November 2023:

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 2 June 2020.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, w/atchs, dated 5 December 2022.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 15 March 2023.

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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.

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