

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2020-02349

XXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

### APPLICANT'S REQUEST

Correct his official military personnel record to reflect award of the Air Force Combat Action Medal.

### APPLICANT'S CONTENTIONS

He requested award of the Air Force Combat Action Medal for his service while deployed during Operation IRAQI FREEDOM, as a Military Working Dog (MWD) Handler (Explosive Detector Dog) to the XXXXXXXX, Kirkuk, Iraq, from 25 Nov 04 – 31 Jan 05. During this period, he was singularly attached to the XXXXXXXX who deployed as an organic, self-sustaining unit. As he was considered an AEF Bucket Deployer, and not a member of the XXXXX, he was not afforded many of the personnel services that other members enjoyed. This included, but was not limited to, the awarding of campaign awards/certificates or the awarding/processing of decorations. He did receive a letter of evaluation, though it did not capture the entirety of his actions/accomplishments.

While deployed, he deliberately went into the enemy's domain (outside the wire) to conduct official duties, both on the ground and in the air (during entry and exit of the country) and came under enemy fire by lethal weapons while performing those duties, and was at risk of grave danger in accordance with Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*, paragraph A14.17.1..

His ground duties included perimeter checks, searching vehicles that had parked next to the base for vehicle borne explosive devices and leaving the base to conduct offensive weapon training/sustainment. In each instance, he was subjected to spontaneous and erratic gunfire and/or rocket attacks from unseen enemy personnel. However, he never engaged the enemy since his primary focus was on working his MWD to detect explosives and recalling/protecting him while under attack. During his flight in country, all Security Forces personnel were assigned duties to watch for the launching of anti-aircraft rockets and/or gunfire, which occurred and forced them to make multiple evasive maneuvers and re-route their flight path and destination. During his medical evacuation from country (non-battlefield injury), they sustained a constant bombardment of rockets and gunfire before and during take-off.

He was recently commissioned in the Air National Guard and was made aware that this medal could be awarded retroactively. Since his actions occurred while on active duty, he was advised to appeal to the Air Force Board for Correction of Military Records (AFBCMR) for the potential retroactive award and correction to his record.

The applicant's complete submission is at Exhibit A.

## STATEMENT OF FACTS

The applicant is an Air National Guard first lieutenant (O-2).

On or about 20 Aug 04, according to Special Order XXXX, provided by the applicant, he was deployed to Jacobabad, Pakistan, for a period of 179 days.

For the period 25 Nov 04 – 31 Jan 05, according to AF IMT 77, *Letter of Evaluation*, dated 20 Dec 04, provided by the applicant, he was redeployed as a MWD team from the XXXXXXXXX, Shabaz Air Base, Pakistan to the XXXXXXXXXX, Kirkuk, Iraq in support of Operation IRAQI FREEDOM.

According to AF IMT 910, *Enlisted Performance Report (AB thru TSgt)*, for the period 16 Jul 04 – 31 Jan 05, the applicant was forward deployed as a MWD team from the XXXXXXXXXX, Shabaz Air Base, Pakistan to the XXXXXXXXX, Kirkuk, Iraq in support of Operation IRAQI FREEDOM.

According to AF Form 2224, *The Air Force Commendation Medal*, for the period 6 Nov 02 – 2 Nov 07, the applicant was deployed three times to six different locations in support of the Global War on Terrorism.

On 30 Nov 11, the applicant was furnished an honorable discharge from the Air Force, with Narrative Reason for Separation: Completion of Required Active Service, and credited with 13 years, 13 days active service, of which 1 year, 11 months, 27 days were foreign service.

On 22 Mar 21, HQ AFPC Recognition Team sent a letter to the applicant requesting additional documentation in support of his request for award of the Air Force Combat Action Medal.

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. Based on the documentation presented and review of the official record, there is no error/injustice as the applicant does not meet the established criteria for award of the Air Force Combat Action Medal.

In accordance with AFMAN 36-2806, 10 Jun 19:

A14.17. *Air Force Combat Action Medal*. On 15 March 2007, SECAF approved the establishment of the medal to recognize members of the Air Force (Airman Basic through Colonel) who actively participated in ground or air combat.

A14.17.1. *Eligibility*.

A14.17.1.1. Nomination for the medal is restricted to members of the U.S. Armed Forces who on or after 11 September 2001:

A14.17.1.1.1. Deliberately go into the enemy's domain (outside the wire) to conduct official duties, either on the ground or in the air, and have come under enemy fire by lethal weapons while performing those duties, and are at risk of grave danger; or

A14.17.1.1.2. While defending the base (inside/on the wire), member came under fire and engage the enemy with direct and lethal fire, and are at the risk of grave danger; or

A14.17.1.1.3. Are personnel in ground operations who actively engage the enemy with direct and lethal fire also may qualify even if no direct fire is taken, as long as there was risk of grave danger and meets other criteria.

A14.17.1.2. Members who receive the Army Combat Infantryman Badge, the Army Combat Action Badge, the Army Combat Medical Badge, or Navy Combat Action Ribbon may submit a copy of that award, along with other documentation, to the appropriate chain of command for conversion to the Air Force Combat Action Medal. Approval authorities will coordinate with the applicable Military Service headquarters to arrange revocation.

A14.17.1.3. The medal may be awarded to members from the other Military Services and foreign military members assigned or attached to an Air Force unit, provided they meet the award criteria.

A14.17.2. *Qualifying Periods of Service.* Only one medal is authorized for a qualifying war or conflict. For the purpose of the Air Force Combat Action Medal, the qualifying war or conflict is defined as the contingency or conflict that CSAF authorizes the medal to be awarded.

After a thorough review of the applicant's official military personnel record, award of the Air Force Combat Action Medal could not be verified. He did not provide a complete package for the award. In order to reasonably consider a request for award of the Air Force Combat Action Medal, he would need to submit a decorations package which includes: a narrative explanation of the circumstances (date, time, location, event description, other members present, etc.) submitted by a person with firsthand knowledge of the incident. The narrative must contain details on how the applicant was in grave danger (e.g., enemy action, fragmentation zone, type of enemy fire, blast radius, mounted/dismounted, proximity to weapons fire, where rounds impacted, damage to equipment or vehicles, injuries sustained by the occupants in the vehicle or surrounding area, etc.). Additional supporting documentation such as finalized travel vouchers, decorations, and sketches, maps, diagrams, and photographs which support the award may also be submitted with the narrative.

Finally, correspondence was sent to the applicant on 22 Mar 21 requesting additional documentation to support his request; however, as of the date of this advisory opinion, a response has not been received from the applicant.

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 22 Dec 22 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 did not meet the established criteria for award of the Air Force Combat Action Medal in accordance with AFMAN 36-2806. Therefore, the Board recommends against correcting the applicant's record. 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.

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-2020-02349 in Executive Session on 31 Aug 23:

, 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 16 Aug 20.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 14 Dec 22.  
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 22 Dec 22.

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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Board Operations Manager, AFBCMR