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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2020-02477

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He be awarded the Combat Action Medal (CAM), and it be added to his DD Form 214, *Certificate of Release or Discharge from Active Duty*.

APPLICANT'S CONTENTIONS

From 2012-2013, while deployed to Afghanistan, the applicant was assigned to a unit for off-base missions in support of Operation ENDURING FREEDOM. The applicant's deployment supervisor completed a Letter of Evaluation (LOE) that chronicled his accomplishments during the deployment. However, on 8 Sep 13, he separated from active service and his leadership never received the LOE prior to his departure. The applicant is requesting to be awarded the CAM and submitted the LOE as evidence of his actions during the 2012-2013 deployment.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former senior airman (E-4).

According to AF IMT 77, *Letter of Evaluation*, submitted by the applicant, dated 30 Jun 13, the applicant's supervisor listed his impact on mission accomplishment as a driver while deployed in support of Operation ENDURING FREEDOM.

From 30 Dec 12 to 30 Jun 13, according to Special Order G-01107, dated, 8 Oct 13, the applicant was awarded the Air Force Achievement Medal for Outstanding Achievement for actions as a Fire Team Member on the Quick Response Team, while assigned to Bagram Airfield, Afghanistan in support of Operation ENDURING FREEDOM.

On 8 Sep 14, according to DD Form 214, the applicant was honorably discharged after four years, nine months, and eight days of active service. Furthermore, Block 12.f. *Foreign Service* reflects one year, four months, and thirteen days.

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

APPLICABLE AUTHORITY/GUIDANCE

DAFMAN 36-2806, *Military Awards: Criteria and Procedures*

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A.14.1. Combat Action Medal

A14.2.1. Eligibility.

A14.2.1.1. Nomination for the CAM is restricted to members of the U.S. Armed Forces who on or after 11 September 2001:

A14.2.1.1.1. 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

A14.2.1.1.2. 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

A14.2.1.1.3. 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.

A14.2.1.2. Ground Combat.

A14.2.1.2.1. The ground combat must have occurred in a combat zone defined as a geographic area designated by POTUS via an Executive Order, or a qualified hazardous duty area in which a member received imminent danger pay or hostile fire pay. The member must have been physically present, at risk of grave danger, and performing in accordance with the prescribed rules of engagement.

A14.2.1.2.2. Members outside the defended perimeter must have been fired upon by the enemy with lethal weapons. Returning fire is situation dependent and not necessarily a precondition of the award. Risk of grave danger to the member must be detailed in the award submission.

A14.2.2. Approval Authority, Appeals, and Exceptions to Policy. Also refer to paragraph A14.2.5.

A14.2.2.1. Approval Authority. The Secretary of the Air Force Decorations Board is the approval authority unless authority has been delegated in accordance with Section 2D.

A14.2.5. Submitting a Request. Requests are endorsed by the member's commander to the first colonel in the operational chain to the approving official (i.e., COMAFFOR) (see Section 2D and Attachment 12). The request should be submitted on an AF Form 3994, Recommendation for Decoration Deployment/Contingency Operations, and include a narrative justification and eyewitness statements (2 or more statements containing date, time, location, event description, other members present, etc.) from a person with first-hand knowledge of the incident. If necessary, a narrative detailing the event, possibly attained by coordination with a senior leader who was in a position to know of the event, and endorsed by no less than the member's current wing or delta commander attesting to the veracity of the content, will suffice.

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the application. Based on documentation presented by the applicant and analysis of the applicant's record, there is no evidence of error or injustice on the part of the Air Force. The applicant requests to be awarded the CAM. The applicant submitted a LOE dated 30 Jun 13 as evidence of a deployment in support of Operation ENDURING FREEDOM. However, the LOE does not list the inclusive dates of the deployment. Furthermore, the applicant did not provide evidence of a complete decorations package in accordance with DAFMAN 36-2806, paragraph A14.2.5. *Submitting a Request*, that includes a request endorsed by the applicant's leadership, narrative justification, and eyewitness statements from a person with firsthand knowledge of the incident, and additional supporting documentation.

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 Mar 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 Board found no evidence the applicant qualified or was awarded the CAM. Furthermore, the Board found no evidence the applicant provided a completed decorations package in accordance with DAFMAN 36-2806, paragraph A14.2.5. 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. 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 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-2020-02477 in Executive Session on 30 Nov 23:

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Panel Chair

Panel Member

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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 23 Jun 20.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, AFPC/DP3SP, w/atchs, dated 13 Dec 22.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 15 Mar 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.

1/17/2024

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