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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2020-02627

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

1. His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be updated to reflect the Nuclear Deterrence Operations Service Medal (NDOSM). **(administratively corrected with AF Form 6)**
2. He be awarded the Combat Action Medal (CAM), and it be added to his DD Form 214.

APPLICANT'S CONTENTIONS

In 2004, the applicant deployed to Iraq in support of Operation IRAQI FREEDOM and was awarded the Air Force Achievement Medal (AFAM) for actions outside the wire. The applicant believes he is qualified for the CAM based on his actions outside the wire during the deployment to Iraq.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force staff sergeant (E-5).

According to Special Order **Work-Product** dated 5 Jan 05, the applicant was awarded the Air Force Achievement Medal for outstanding achievement while deployed to Iraq from 6 Jun 04 through 6 Sep 04, in support of Operation IRAQI FREEDOM.

On 1 Sep 14, according to his DD Form 214, the applicant was honorably released from active service after 11 years, 1 month, and 10 days and was credited with 9 years, 7 months, and 10 days of Foreign Service.

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*

A.14.1. Combat Action Medal

AFBCMR Docket Number BC-2020-02627

Work-Product

Work-Product

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 Sep 01:

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 provided by the applicant and analysis of the facts, there is no evidence of error or misconduct on the part of the Air Force. The applicant requested his DD Form 214 be updated to reflect the NDOSM and the CAM. AFPC/DP3SP verified the applicant was eligible for the NDOSM and administratively corrected the applicant's DD Form 214; however, there was no documentation to verify the applicant was awarded or received the CAM. 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 was awarded or recommended for the CAM. 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.

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-2020-02627 in Executive Session on 30 Nov 23:

Work-Product

Panel Chair

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Panel Member

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, Panel Member

AFBCMR Docket Number BC-2020-02627

Work-Product

Work-Product

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

Exhibit A: Application, DD Form 149, w/atchs, dated 3 Jul 20.

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

Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 9 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

Work-Product

AFBCMR Docket Number BC-2020-02627

Work-Product