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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2020-02987

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be amended to reflect the following:

- a. Meritorious Service Medal (**Administratively corrected**)
- b. Meritorious Service Medal with one Bronze Oak Leaf Cluster
- c. Air Force Commendation Medal (**Administratively corrected**)
- d. Air Force Outstanding Unit Award with Valor with three Bronze Oak Leaf Clusters (**Administratively corrected**)

APPLICANT'S CONTENTIONS

Awards were not added to his DD Form 214 at the time of his retirement and should be a part of his military record.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force senior master sergeant (E-8).

On 28 Feb 81, according to the DD Form 214, the applicant was discharged for the purpose of retirement. Item 13, *Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized*, reflects: Small Arms Expert Marksman Ribbon; Noncommissioned Officer Academy Graduation Ribbon; Air Force Longevity Service Ribbon with four Oak Leaf Clusters; National Defense Service Medal with two Bronze Stars; Republic of Vietnam Gallantry Cross with Palm; Republic of Vietnam Campaign Medal, Air Force Good Conduct Medal with five Oak Leaf Clusters.

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

AIR FORCE EVALUATION

AFPC/DP3SP (Recognition Program) recommends denying award of the Meritorious Service Medal with one Bronze Oak Leaf Cluster. According to Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*, the Meritorious Service Medal is awarded to any service member, or to any member of the armed forces of a friendly foreign nation, who has distinguished himself or herself by outstanding meritorious achievement or service. Normally the acts or

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services rendered are comparable to that required for the Legion of Merit, but in a duty of lesser though considerable responsibility. The medal may be awarded for outstanding achievement or service while serving in combat zones, combat zone tax exclusion areas, and areas authorized for hostile fire pay, imminent danger pay, or hazardous duty pay. However, the Bronze Star Medal is the appropriate equivalent level award to recognize meritorious achievement or service performed under combat conditions. An oak leaf cluster is authorized for an additional award of the Meritorious Service Medal.

After a thorough review of the applicant's official military personnel record and provided documentation, they were unable to verify the Meritorious Service Medal with one Oak Leaf Cluster. The applicant indicated in his request source documents were attached for verification of the requested awards; however, none were included. To grant relief would be contrary to the criteria established by AFMAN 36-2806.

Notwithstanding, they were able to verify award of the Meritorious Service Medal, Air Force Commendation Medal, and the Air Force Outstanding Unit Award with Valor and three Bronze Oak Leaf Clusters. Accordingly, the applicant's record will be administratively corrected.

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 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 beyond what was already administratively corrected. Therefore, the board recommends against correcting the applicant's records. Should the applicant provide a copy of the citation and special order approving the Meritorious Service Medal with one Bronze Oak Leaf Cluster, the Board would reconsider his request. 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 (DAFI) 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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-202 in Executive Session on 25 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, dated 10 Aug 20.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, w/atchs, dated 16 Feb 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 22 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.

1/10/2025

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