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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2020-03394

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His Meritorious Service Medal (Third Oak Leaf Cluster) be upgraded to a Bronze Star Medal.

APPLICANT'S CONTENTIONS

He was denied the Bronze Star Medal while assigned to a Provincial Reconstruction Team (PRT) in Afghanistan due to racial discrimination and his Christian beliefs. He performed his senior enlisted duty with the utmost professionalism, going above and beyond the call of duty despite constant discrimination from senior leadership. His loyalty to the mission did not waiver as he worked 18 hours daily ensuring the PRT received the necessary tools required to carry out the mission. However, he did not receive the same courtesy and respect for his rank and leadership abilities due to his race and Christian faith. He fought two wars in Afghanistan, one for the mission, and one for his race. He requests the same recognition as others because he earned it.

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 27 February 2010, according to DA Form 638, *Recommendation for Award*, the applicant's Task Force Commander approved his recommendation for award of the Meritorious Service Medal (Third Oak Leaf Cluster) for meritorious service for the period 24 June 2009 to 20 March 2010.

On 31 January 2011, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant was discharged for the purpose of retirement and credited with 26 years, 2 months, and 11 days of total active service, including 12 years, 4 months, and 15 days of Foreign Service. Item 13, *Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized (All periods of service)*, reflects: Meritorious Service Medal with four Oak Leaf Clusters, Joint Service Commendation Medal, Air Force Commendation Medal with four Oak Leaf Clusters, Air Force Achievement Medal with two Oak Leaf Clusters, Joint Meritorious Unit Award, Meritorious Unit Award, Air Force Outstanding Unit Award with five Oak Leaf Clusters, Air Force Organizational Excellence Award with three Oak Leaf Clusters, Air Force Good Conduct Medal with eight Oak Leaf Clusters, National Defense Service Medal with one Service Star, Kosovo Campaign Medal with one Service Star, Afghanistan Campaign Medal with one Service Star, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Armed Forces Service Medal, Humanitarian Service Medal with one Service Star, Military Outstanding Volunteer Service Medal, Air and Space Campaign Medal with one Service Star, Air

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

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Force Overseas Ribbon Short with one Oak Leaf Cluster, Air Force Overseas Ribbon Long with one Oak Leaf Cluster, Air Force Expeditionary Service Ribbon with Gold Border with five Oak Leaf Clusters, Air Force Longevity Service Ribbon with five Oak Leaf Clusters, Air Force Noncommissioned Officer Professional Military Education Graduate Ribbon with three Oak Leaf Clusters, Air Force Training Ribbon, and North Atlantic Treaty Organization Medal with three Service Stars.

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

APPLICABLE AUTHORITY/GUIDANCE

Department of the Air Force Manual (DAFMAN) 36-2806, *Military Awards: Criteria and Procedures*, paragraph 2.12. *Time Limitation*. Recommendations (including reconsiderations and upgrades), are entered into official channels within three years and awarded within five years of the act, achievement, or service performed.

Paragraph 2.13. *Requesting Statutory Time Waiver*. Recommendations (to include reconsiderations and upgrades) for veterans submitted after the applicable time limitation are only considered if submitted pursuant to 10 U.S.C. § 1130. This legislation allows consideration of recommendations submitted beyond the time limitation. Requests shall be made by someone other than the member, who has firsthand knowledge of the acts or achievements. Every effort should be made to obtain an endorsement from someone in the member's chain of command at the time of the act, achievement or service performed.

The requester submits a written request to a member of Congress for endorsement on a recommendation, pursuant to 10 U.S.C. § 1130. Recommendations should include a narrative justification, citation, eyewitness statements (two or more), and supporting documents. Refer to paragraph A3.5 and Table 2.1. *Recommendation Checklist*, for additional guidance. The member of Congress endorses the recommendation and submits it to the Air Force Legislative Liaison Office, 1160 Air Force Pentagon, Washington, DC 20330-1160. The Air Force Legislative Liaison Office forwards the recommendation to AFPC/IG for action.

AIR FORCE EVALUATION

AFPC/DP3SP (Recognition Program) recommends denying the request to upgrade of the Meritorious Service Medal to the Bronze Star Medal. According to DAFMAN 36-2806, paragraph A2.9, the Bronze Star Medal was established by Executive Order 9419, 4 February 1944, which was superseded by Executive Order 11046, 24 August 1962, amended by 10 USC § 1133, further amended by Public Law 111-383 § 571. The Bronze Star Medal is awarded to any person who, while serving in or with the Air Force after 6 December 1941, has distinguished himself or herself by heroism (valor), meritorious achievement or service, not involving participation in aerial flight: while engaged in an action against an enemy of the U.S.; while engaged in military operations involving conflict with an opposing foreign force; or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the U.S. is not a belligerent party. The medal may be awarded with the "V" device for valor in combat to a lesser degree than required for award of the Silver Star. The medal may also be awarded for meritorious achievement or service during armed conflict that is of lesser degree than that required for award of the Legion of Merit. For meritorious service that ended on or after 7 January 2016, the medal may only be awarded if during the period of the award the nominee was exposed to hostile action or was at significant risk of exposure to hostile action. Otherwise, the appropriate decoration would be the Meritorious Service Medal. After 30 October 2000, in

accordance with 10 USC § 1133, the Bronze Star Medal may only be awarded to a member of a military force who: at the time of the event being recognized, was serving in a geographic area in which hostile fire pay or imminent danger pay was authorized in accordance with 37 USC § 310, or hazardous duty pay in accordance with paragraph (1) or (3) of 37 USC § 351(a); or receives hostile fire pay or imminent danger pay in accordance with 37 USC § 310, or, hazardous duty pay in accordance with paragraph (1) or (3) of 37 USC § 351(a), as a result of the action or events justifying the award.

The Recommendation for Award (DA Form 638) for upgrade of the Meritorious Service Medal to the Bronze Star Medal provided by the applicant was completed and signed only by the applicant. In order to reasonably consider his request to upgrade the award, the applicant must submit a complete decoration package, to include: a signed recommendation from someone with firsthand knowledge of the act/achievement, preferably from someone in his chain of command at the time of the act/achievement; a proposed citation; a narrative signed by his recommending official who was in his chain of command and had firsthand knowledge; and eyewitness statements.

The applicant failed to provide a complete decoration package from someone with firsthand knowledge or any other relevant information indicating he was considered. To grant relief would be contrary to the criteria established by DAFMAN 36-2806.

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 March 2023 for comment (Exhibit D) but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed.
2. The applicant did not exhaust 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. Therefore, the board recommends against correcting the applicant's records. The applicant has provided no evidence he requested upgrade of his Meritorious Service Medal in accordance with DAFMAN 36-2806 and 10 U.S.C. § 1130. Accordingly, the Board recommends the applicant contact a member of Congress to pursue administrative relief as outlined in the governing guidance noted above. 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)*. 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 DAFI 36-2603, considered Docket Number BC-2020-03394 in Executive Session on 16 November 2023:

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Panel Chair

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Panel Member

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Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 30 October 2020.

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

Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 22 December 2022.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 22 March 2023.

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.

3/3/2025

X

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Board Operations Manager, AFBCMR

Signed by:

Work-Product