

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2020-03444

XXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Review the Airman's Medal awarded to him in 1968 for consideration of a 10 percent retirement pay increase for extraordinary heroism.

APPLICANT'S CONTENTIONS

At the time of his retirement, he was not made aware of the 10 percent retirement pay increase entitlement for the Airman's Medal awarded to enlisted members for extraordinary heroism. According to AFI 36-2803, *The Air Force Military Awards and Decorations Program*, Secretary of the Air Force, Personnel Council (SAFPC) approves or disapproves recommendations for the Airman's Medal requiring Secretary of the Air Force approval, and determines upon approval, entitlement to 10 percent increases in retirement pay for the Airman's Medal when awarded to enlisted members for extraordinary heroism.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

According to documentation submitted by the applicant:

He is a retired Air Force master sergeant (E-7).

On 28 Jan 69, the applicant was awarded The Airman's Medal (First Oak Leaf Cluster) for Heroism, displaying great courage and professional skill on 9 Dec 68. He entered a fuel storage area enveloped in flames and littered with unexploded ordnance, and extinguished the raging fire; saving thousands of gallons of aviation fuel and preventing the airfield from becoming non-operational.

On 31 Jan 74, the applicant was relieved from active duty, and retired effective 1 Feb 74, having served 20 years, 5 months, and 13 days of active service.

For more information, see the advisory at Exhibit B.

AIR FORCE EVALUATION

SAF/MRBP recommends granting the application, finding sufficient evidence to indicate the applicant's actions on 9 Dec 68, constituted "extraordinary heroism" warranting award of a 10 percent increase in retirement pay. On 28 Oct 21, the Air Force Decorations Board (AFDB) reviewed the application and accompanying evidence and found that on the aforementioned date, the applicant, as a firefighter on duty, was called upon for support in controlling a fire in the Petroleum, Oil, Lubricant (POL) storage area. After an attempt to control the fire from an HH-43F helicopter was ineffective, the applicant suggested the helicopter land, and he and a fellow

firefighter would attempt to attack the blaze from the ground. The firefighters entered the fuel storage area, which was enveloped in flames and littered with unexploded ordinance. Utilizing the low-pressure water source and inadequate equipment, they attacked and extinguished the fire. A majority of the Board concluded that in accordance with (IAW) AFMAN 36-2806, *Awards and Memorialization Program*, the applicant's actions of repeatedly exposing himself to circumstances that could have cost him his life, met the criteria for extraordinary heroism.

Title 10, United States Code, Section 8991 relates to computation of military retired pay. Paragraph (a) (2) addresses the entitlement for an additional 10 percent of retired pay for certain enlisted members credited with extraordinary heroism as follows:

“(2) Additional 10 percent for certain enlisted members credited with extraordinary heroism.--If a member who is retired under section 8914 of this title has been credited by the Secretary of the Air Force with extraordinary heroism in the line of duty, the member's retired pay shall be increased by 10 percent of the amount determined under paragraph (1) (but to not more than 75 percent of the retired pay base upon which the computation of such retired pay is based). The Secretary's determination as to extraordinary heroism is conclusive for all purposes.”

The complete advisory opinion is at Exhibit B.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 3 Feb 22 for comment (Exhibit C), but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed, but it is in the interest of justice to excuse the delay.
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 the victim of an error or injustice. The Board concurs with the rationale and recommendation of SAF/MRBP and finds a preponderance of the evidence substantiates the applicant's contentions. Specifically, the Air Force Decorations Board determined the applicant's actions on 9 Dec 68, for which he was awarded the Airman's Medal (First Oak Leaf Cluster), demonstrated extraordinary heroism, entitling him to receive a 10 percent increase in retired pay, IAW Title 10, United States Code, Section 8991. Therefore, the Board recommends correcting the applicant's records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show his Airman's Medal (First Oak Leaf Cluster), dated 9 Dec 68, was awarded for extraordinary heroism, with an entitlement to a 10 percent increase in military retired pay.

CERTIFICATION

The following quorum of the Board, as defined in Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2020-03444 in Executive Session on 14 Jun 22:

, Panel Chair
, Panel Member
, Panel Member

All members to correct the record. The panel considered the following:

Exhibit A: Application, DD Form 149, w/atchs, dated 27 Sep 20.

Exhibit B: Advisory opinion, SAF/MRBP, dated 2 Feb 22.

Exhibit C: Notification of advisory, SAF/MRBC to applicant, dated 3 Feb 22.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.

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Board Operations Manager, AFBCMR