

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2021-00227

XXXXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

### APPLICANT'S REQUEST

His Air Force Achievement Medal, dated 5 Aug 93, awarded for heroism be upgraded to the Airman's Medal.

### APPLICANT'S CONTENTIONS

On 21 Jun 93, he performed an act that was considered heroism, and on 5 Aug 93, was presented with the Air Force Achievement Medal for this act. He believes in his particular case the Air Force Achievement Medal is not the correct decoration for the act of heroism. According to Air Force Instruction (AFI) <sup>1</sup>[sic] 36-2806, dated 10 Jun 19, *Awards and Memorialization Program*, the appropriate medal or decoration for the act of heroism should be the Airman's Medal.

According to paragraph 3.27 (Table 3.2). *Basis for Decoration*, the only applicable decoration in his particular case for heroism would be the Airman's Medal. Also, paragraph A5.2.4.2., includes an example of the Airman's Medal Narrative, which states, "with complete disregard for her own safety, Sergeant XXXX..." In his award for heroism, the narrative states, "without regard for his personal safety he immediately..." He believes the Air Force Achievement Medal for heroism was written and approved in error. AFI [sic] 36-2806 clearly states an Air Force Achievement Medal cannot be awarded for an act of heroism. Additionally, according to paragraph A2.8.1.2. *Airman's Medal*, the performance must have involved personal hazard or danger and the voluntary risk of life under conditions not involving conflict with an armed enemy. His Air Force Achievement Medal for heroism states those exact performance requirements. He asks that the Board review this matter and amend the Air Force Achievement Medal for heroism to the Airman's Medal for heroism.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

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

On 5 Aug 93, the applicant was awarded the Air Force Achievement Medal for Heroism on 21 Jun 93, and distinguished himself by an act of courage, as a Refueling Unit Operator.

On 28 Feb 10, the applicant was furnished an honorable discharge, with Narrative Reason for Separation: Vol. Retirement: Sufficient Service for Retirement, and was credited with 20 years, 1 month and 23 days active service.

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

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<sup>1</sup> Air Force Manual (AFMAN)

## APPLICABLE AUTHORITY/GUIDANCE

<sup>2</sup> AFI 36-2803, *The Air Force Awards and Decorations Program*, dated 15 Aug 94, Table 2.1. *United States Military Decorations*:

Awarded For	Awarded To		
	US	FOREIGN	
Decorations (See note 1.)	Heroism	Service	Achievement
Air Force Achievement Medal (AFAM)	No	Yes (See note 20.)	Yes (See note 21.)

Note 20. Awarded for outstanding achievement or meritorious service and act or acts of courage that do not meet the requirements of the Air Force Commendation Medal. Place emphasis on award to junior officers and Airmen whose achievements and service meet the standards. Do not award more than one Air Force Achievement Medal during a 1-year period except under extraordinary circumstances. Do not award for aerial achievement or retirement.

## AIR FORCE EVALUATION

AFPC/DP3SP (Recognition Program) recommends denying the application. In accordance with AFMAN 36-2806, *Awards and Memorialization Program*, dated 10 Jun 19, paragraph 3.27.3. *Heroism*. Recommendations based on heroism recognize an act or acts of heroism involving voluntary risk of life under conditions other than those of conflict with an armed enemy of the U.S.

According to paragraph A2.8., the Airman's Medal was established in 1960 and is currently awarded pursuant to 10 U.S.C. § 9280. The medal is awarded to any person, while serving in any capacity with the Air Force, has distinguished himself or herself by heroism involving voluntary risk of life under conditions other than those of conflict with an armed enemy of the U.S. The saving of a life or the success of the voluntary heroic act is not essential. The performance must have involved personal hazard or danger and the voluntary risk of life under conditions not involving conflict with an armed enemy. The medal is not awarded for normal performance of duties (i.e., security forces, firefighter, medical, pararescue, etc.). In addition to the requirements in paragraph, recommendations are substantiated with one or more of the following documents: fire reports; police reports; newspaper articles; safety reports; and/or witness statements. Additionally, newspaper articles, video footage and photographs may be included in the nomination, but cannot replace the aforementioned documents.

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<sup>2</sup> Supersedes Air Force Regulation 900-48, dated 15 Mar 89

The applicant was awarded the Air Force Achievement Medal with heroism, dated 21 Jun 93; however, per AFMAN 36-2806, the Air Force Achievement Medal is not awarded for heroism.

<i>Decoration</i>	<i>Awarded For</i>				<i>Awarded To</i>			
					<i>U.S.</i>		<i>Foreign</i>	
	<i>Valor</i>	<i>Heroism</i>	<i>Service</i>	<i>Achievement</i>	<i>Military</i>	<i>Civilian</i>	<i>Military</i>	<i>Civilian</i>
<b>Air Force Achievement Medal</b>	No	No	Yes	Yes	Yes	No	Yes	No

After a thorough review of the applicant's official military personnel record and provided documentation, award of the Airman's Medal could not be verified. The Air Force Achievement Medal is not awarded for heroism and does not meet the Airman's Medal criteria as the applicant was performing normal duties within the parameters of being a refueling operator. To grant relief would be contrary to the criteria established by AFMAN 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 30 Mar 23 for comment (Exhibit D) and the applicant replied on 28 Apr 23. In his response, the applicant contended he disagreed with the advisory opinion regarding his "performing normal duties within the parameters of being a refueling operator." In support, he provided the position specialty description for Air Force Specialty Code (AFSC) 2F0X1 Fuels (Refueling Unit Operator) from the Air Force Career Field Education and Training Plan (CFETP), which specified normal duties in great detail. None of these duties are in any way similar to the acts performed on 21 Jun 93 that earned the heroism medal. The CFETP description does not mention acts like those identified in the heroism medal such as: "act of courage, saw smoke coming from engine compartment, quick assessment of the situation determined that an electrical system short in the wiring of the vehicle occurred, without regard for his personal safety, quickly extinguished the fire, the quick actions of [applicant] were directly responsible for averting a major incident and possible loss of aircraft, refueling equipment, and the lives of those near the scene." All of the accomplishments are not "normal duties within the parameters of being a refueling operator" and do meet the criteria for the Airman's Medal.

The advisory states the specific criteria for the Airman's Medal is "the performance must have involved personal hazard or danger and the voluntary risk of life under conditions not involving conflict with an armed enemy." Per the heroism medal, he met this requirement and his actions were consistent with the criteria for the Airman's Medal contained in AFMAN 36-2806. Additionally, the citation narrative for the heroism medal for the acts performed on 21 Jun 93 are substantially similar to the citation example for the Airman's Medal included in AFMAN 36-2806.

The applicant's complete response is at Exhibit E.

#### **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 applicant believes his actions on 21 Jun 93 met the criteria for award of the Airman's Medal; however, the Board disagrees. In accordance with AFMAN 36-2806, the Air Force Achievement Medal is not awarded for heroism. Therefore, 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. In addition, as detailed in AFI 36-2803, which was the guidance applicable during the period the applicant was awarded the Air Force Achievement Medal, the medal was awarded for acts of courage, as reflected in the opening sentence of the applicant's Air Force Achievement Medal citation. Accordingly, the applicant received the appropriate level of recognition. 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. Therefore, the Board finds the application untimely and recommends against correcting the applicant's records.

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, paragraph 2.1, considered Docket Number BC-2021-00227 in Executive Session on 21 Sep 23:

, Panel Chair  
, Panel Member  
, Panel Member

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

Exhibit A: Application, DD Form 149, dated 31 Jan 21.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 5 Jan 23.  
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 30 Mar 23.  
Exhibit E: Applicant's Response, dated 28 Apr 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.

**X**

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Board Operations Manager, AFBCMR