

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-00592

XXXXXXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

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

a. Award of the Air Medal

b. Award of the Meritorious Service Medal (**Administratively Resolved**)

APPLICANT'S CONTENTIONS

During the period 2 Aug 70 to 31 Dec 70, while performing the duties of relief-gunner on helicopters for the 68th Assault Helicopter Company, he was awarded the Air Medal per General Orders Number XXXX, dated 9 Apr 71.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force technical sergeant (E-6).

On 25 Jan 71, according to documentation submitted by the applicant, the Commander of the 1st Aviation Brigade, recommended the applicant be awarded the Air Medal for his outstanding degree of professionalism and devotion to duty while performing the duties of relief gunner for the 68th Assault Helicopter Company.

On 9 Apr 71, according to documentation submitted by the applicant, General Orders Number XXXX was published indicating the applicant was awarded the Air Medal for the period 2 Aug 70 to 31 Dec 70.

On 25 Nov 71, according to documentation submitted by the Department of the Army Human Resources Command, General Orders Number XXXX was published awarding three Army personnel (none who were the applicant) the Bronze Star Medal.

On 30 Apr 88, the applicant was honorably discharged, and retired effective 1 May 88, having served 20 years, 3 months, and 26 days of active service.

On 12 Aug 21, AFPC/DP1SSP issued a Form 6, *214/215 Routing Slip*, directing the applicant's DD Form 214 be corrected to reflect award of the Meritorious Service Medal and the Air Medal.

On 13 Aug 21, AFPC/DP2SSR issued the applicant a DD Form 215, *Correction to DD Form 214, Certificate of Release or Discharge from Active Duty*, adding the Meritorious Service Medal and the Air Medal to his DD Form 214, dated 30 Apr 88.

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

APPLICABLE AUTHORITY/GUIDANCE

Title 10 United States Code, Section 1552 (10 U.S.C. § 1552). *Correction of military records: claims incident thereto*. The Secretary, acting through the Board, has broad powers to correct and remedy errors and injustices; however, such a correction may be made only if the correction is favorable to the person concerned.

DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, Department of the Air Force offices are not restricted from making administrative corrections in cases of manifest error.

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the applicant's request for award of the Air Medal. In accordance with Department of the Air Force Manual (DAFMAN) 36-2806, *Military Awards: Criteria and Procedures*, paragraph A2.12., the Air Medal is awarded to any person who, while serving in any capacity with the Air Force, distinguishes himself or herself by meritorious achievement while participating in an aerial flight. The medal may be awarded for combat or non-combat action in recognition of single acts of valor, heroism, or merit while participating in an aerial flight. Both heroism and achievement are entirely distinctive, involving operations that are not routine. The medal is not awarded for sustained operational activities and flights. The required achievement to warrant award of the Air Medal is less than that required for the Distinguished Flying Cross and is accomplished with distinction above and beyond that expected of professional Airmen.

The applicant's original request for award of the Air Medal was inadvertently corrected based solely on General Orders Number XXXX, provided by the applicant. After further review of the case and information provided by the Department of the Army, withdrawal of the Air Medal is recommended due to the numerous discrepancies discovered. Specifically, there is no documentation in the applicant's official military record indicating he was recommended for or awarded the Air Medal. Additionally, the Department of the Army advised them the copy of General Orders Number XXXX, crediting the applicant with award of the Air Medal does not match the copy found in their digitized historical award orders database for the Republic of Vietnam, issued on an entirely different date. 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 16 Jun 22, for comment (Exhibit D), and the applicant replied on 1 Jul 22. In his response, the applicant stated he mistakenly provided the wrong dates he flew with the 68th Assault Helicopter Company. Additionally, he stated the 68th Armored Helicopter Company website has more information on him.

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 regarding award of the Air Medal. 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 notes AFPC/DP3SP inadvertently awarded the Air Medal to the applicant and has subsequently submitted a Form 6 to remove the Air Medal from the applicant's records. However, they were able to determine the applicant met AFMAN 36-2806 criteria for award of the Meritorious Service Medal and administratively updated his records to reflect award of the Meritorious Service Medal. 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 (DAFI), *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 beyond that rendered administratively.

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-2021-00592 in Executive Session on 16 Mar 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, w/atchs, dated 9 Sep 20.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, AFPC/DP3SP, w/atchs, dated 11 Jun 22.
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 16 Jun 22.
Exhibit E: Applicant's Response, dated 1 Jul 22.

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

Board Operations Manager, AFBCMR