

## **RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2021-00825

XXXXXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### **APPLICANT'S REQUEST**

Correct his official military personnel record to amend his Air Force Commendation, for the period 29 Feb 08 to 1 Jul 08, to reflect award of the "R" device.

### **APPLICANT'S CONTENTIONS**

He was engaged in military operations against an enemy of the United States and the conflict against the opposing foreign forces for Operations ENDURING FREEDOM, IRAQI FREEDOM, and Combined Joint Task Force Horn of Africa. This award was given during a limited time of hostile engagement and deemed noteworthy by the United States Air Force Central Commander by awarding the Aerial Achievement Medal to select aircrew. He met the criteria, and had he been in active service, the "R" device would have been awarded. He believes it important for his awards to accurately reflect his service. The device was authorized by the Secretary of Defense after he retired. He only found out in Sep 20 that he is eligible as of today.

The applicant's complete submission is at Exhibit A.

### **STATEMENT OF FACTS**

The applicant is a retired Air Force lieutenant colonel (O-5).

On 21 Aug 08, according to AF Form 2224, *The Air Force Commendation Medal*, the applicant was awarded the Air Force Commendation Medal, First Oak Leaf Cluster, for the period 29 Feb 08 to 1 Jul 08, for service in support of Operations ENDURING FREEDOM, IRAQI FREEDOM, and Combined Joint Task Force Horn of Africa.

On 31 Oct 15, the applicant was furnished an honorable discharge, with Narrative Reason for Separation: Vol. Retirement: Sufficient Service for Retirement, and credited with 23 years, 5 months, and 4 days active service.

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

### **AIR FORCE EVALUATION**

AFPC/DP3SP (Recognition Program) recommends denying the application. Based on the documentation presented and review of the official record, there is no error/injustice as the applicant does not meet the established criteria for award of the "R" device to the previously awarded Air Force Commendation Medal with one Bronze Oak Leaf Cluster. In accordance with Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*, dated 10 Jun

19, paragraph A17.14., the “R” device is affixed to certain decorations to denote direct hands-on employment of a weapon system that had a direct and immediate impact on a combat operation or other military operation (i.e., outcome of an engagement or specific effects on a target), including 10 U.S.C., support of non-Title 10 operations, and operations authorized by an approved execute order.

To be designated as such, the action must have been performed through any domain, in circumstances that did not expose the individual to hostile action or place him or her at significant risk of exposure to hostile action, on or after 7 Jan 16, under one of the following conditions: while engaged in military operations against an enemy of the U.S.; while engaged in military operations involving conflict against an opposing foreign force; or; while serving with friendly foreign forces engaged in military operations with an opposing armed force in which the U.S. is not a belligerent party. The “R” device is only authorized on individual decorations for specific meritorious achievement. The “R” device is not authorized on medals awarded for sustained meritorious service (e.g., end-of-tour or retirement decorations).

After a thorough review of the applicant’s official military personnel record and provided documentation, award of the “R” device could not be verified. The applicant’s Air Force Commendation Medal awarded for the period 1 Jun 98 to 25 Sep 01 and Air Force Commendation Medal with one Bronze Oak Leaf Cluster awarded for the period 29 Feb 08 to 1 Jul 08 were awarded prior to the date authorized for award of the “R” device. 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 5 Apr 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. The applicant did not meet the established criteria for award of the “R” device as both Air Force Commendation Medals were awarded outside of the authorized award date of the “R” device in accordance with AFMAN 36-2806. 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. 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-2021-00825 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, w/atchs, dated 11 Nov 20.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 22 Dec 22.  
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 5 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.

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Board Operations Manager, AFBCMR