

## **RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2021-00926

XXXXXXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### **APPLICANT'S REQUEST**

Correct his DD Form 214, *Certificate of Release or Discharge from Active Duty*, to reflect award of the Iraq Campaign Medal.

### **APPLICANT'S CONTENTIONS**

The license plate on his vehicle needs to be replaced and he would like to replace it with an Operation IRAQI FREEDOM plate. He served his country in Iraq, and it needs to show on his DD Form 214 in order to receive the license plate. He served four months in Balad, Iraq under the XX Special Operations Squadron (XX SOS), Hurlburt Field, Florida (FL), from the beginning of 2007 until the summer of 2007. His service records will show he was in Iraq in 2007. He does not have a copy of the orders.

The applicant's complete submission is at Exhibit A.

### **STATEMENT OF FACTS**

The applicant is an honorably discharged Air Force airman first class (E-3).

The applicant's AF IMT 910, *Enlisted Performance Report (AB thru TSgt)*, for the period 20 Sep 06 to 9 Jul 07, contains the comment, "Disparities crucial link to mission success during Operation IRAQI FREEDOM—readiness at best."

On 14 Mar 09, according to DD Form 214, the applicant was furnished an honorable discharge, and was credited with 4 years and 9 months of active service. He was not credited with foreign 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 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 Iraq Campaign Medal. In accordance with Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*, dated 10 Jun 19, paragraph A14.8., the Iraq Campaign Medal was established by Public Law 108-234, dated 28 May 2004, and Executive Order 13363, dated 29 Nov 04, to recognize members who serve or have served in the country of Iraq in support of Operations IRAQI FREEDOM or NEW DAWN. The period of eligibility for the medal is 9 Mar 03 to 31 Dec 11, and the area of eligibility encompasses all land and air space of the country of Iraq, to include the contiguous water and air space out to 12 nautical miles.

To coincide with the change of mission for U.S. forces in Iraq, effective 1 Sep 10, Operation IRAQI FREEDOM was changed to Operation NEW DAWN. The medal is awarded to members who, during the period of the award, were permanently assigned, attached, or detailed for 30 consecutive days or 60 non-consecutive days to a unit operating in the area of eligibility or who meets one of the following criteria, regardless of time spent in the area of eligibility: were engaged in combat during an armed engagement; or while participating in an operation or on official duties were killed, or were wounded or injured and medically evacuated from the area of eligibility. Aircrew members accrue 1 day of eligibility for each day they fly into, out of, within, or over the area of eligibility. Members who received the Global War on Terrorism Expeditionary Medal by reasons of service between 19 Mar 03 and 30 Apr 05, in an area for which the Iraq Campaign Medal was subsequently authorized, remain eligible for the Global War on Terrorism Expeditionary Medal or may exchange the Global War on Terrorism Expeditionary Medal for the Iraq Campaign Medal. Under no condition will personnel or units receive the Iraq Campaign Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Afghanistan Campaign Medal, or the Armed Forces Expeditionary Medal for the same action, time, or period of service. Airmen who forward deploy to units within the area of eligibility may be considered for additional campaign awards on a case by case basis providing the member meets the minimum award criteria.

After a thorough review of the applicant's official military personnel record and the provided documentation, award of the Iraq Campaign Medal could not be verified. The applicant's Enlisted Performance Report, from the XX SOS, Hurlburt Field, FL, effective date 9 July 07, states, "Disparities crucial link to success during Operation IRAQI FREEDOM;" however, it does not indicate if he served in Iraq in support of Operation IRAQI FREEDOM. Additionally, his DD Form 214 reflects zero days of foreign service. 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 19 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 applicant claims he served in Iraq; however, there is no evidence he meets the established criteria for award of the Iraq Campaign Medal. 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. 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.

## 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-2021-00926 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 13 Oct 20.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 6 Jan 23.  
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 19 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