

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2021-02783

XXXXXXXXXXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be amended to reflect award of the Armed Forces Expeditionary Medal (AFEM).

### APPLICANT'S CONTENTIONS

He was stationed at Izmir Air Base, Turkey, assigned to Yamanlar Mountaintop Radio Relay station during Operation ELDORADO CANYON. His unit supported all communications to Incirlik Air Base, Turkey. Based on this service, he should have received the AFEM.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a former Regular Air Force staff sergeant (E-5).

According to DD Form 214, the applicant served in the Regular Air Force from 28 Sep 84 through 6 Mar 89. He was credited with 4 years, 5 months, and 9 days of active service and 1 year, 11 months, and 28 days of Foreign Service time. Block 13, *Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized*, reflects award of the Air Force Outstanding Unit Award (AFOUA), Air Force Good Conduct Medal (AFGCM) w/3 Devices, Air Force Overseas Short Tour Ribbon, Air Force Overseas Long Tour Ribbon, Air Force Longevity Service Award (AFLSA) Ribbon w/2 Devices, Small Arms Expert Marksmanship Ribbon (SAEMR) w/1Device, and the Air Force Training Ribbon (AFTR).

According to AF Forms 910, *TSgt, SSgt, Sgt Performance Report*, with close out dates of 2 Mar 86, 14 Nov 86, and 9 May 87, the applicant's reporting official did not document any participation in Operation ELDORADO CANYON while he was assigned to Yamanlar Mountaintop Radio Relay Station, Turkey.

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 Programs) recommends denying the application. After a thorough review of the applicant's official military personnel record and provided documentation to possibly provide administrative relief, award of the AFEM is unable to be verified.

Per Department of the Air Force Manual (DAFMAN) 36-2806, *Military Awards: Criteria and Procedures*, Table. A14.2, the area of eligibility for Operation ELDORADO CANYON is Libya.

It is unable to be verified the applicant entered the area of eligibility in support of Operation ELDORADO CANYON, rendering him ineligible for award of the AFEM.

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 21 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 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, *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 Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2021-02783 in Executive Session on 9 Jan 24:

, 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 Jul 21.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 23 Mar 23.  
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 21 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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Work-Product

Board Operations Manager, AFBCMR