

RECORD OF PROCEEDINGS

IN THE MATTER OF: **DOCKET NUMBER:** BC-2021-03079
XXXXXXXXXXXXXXXX (DECEASED MEMBER) **COUNSEL:** NONE
XXXXXXXXXXXXXXXX (APPLICANT) **HEARING REQUESTED:** NO

APPLICANT'S REQUEST

His father's DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, dated 30 Jun 68, be corrected to reflect the following:

- a. Legion of Merit
- b. Bronze Star Medal (**Pending administrative correction**)

APPLICANT'S CONTENTIONS

His father received the Legion of Merit for his service from 1 Aug 60 to 3 Dec 62.

He received the Bronze Star Medal for meritorious service while serving in the Republic of Vietnam from 16 May 66 to 1 May 67. The awards were omitted from his DD Form 214.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is the son of a deceased retired Air Force colonel (O-6).

On 21 Aug 63, according to documentation provided by the applicant, a competent authority signed the Legion of Merit certificate for the member's exceptionally meritorious conduct from 1 Aug 60 to 3 Dec 62.

According to AF Form 707, *Field Grade Officer Effectiveness Report*, for the period 3 Dec 62 to 24 Aug 63, Section IX, *Review by Indorsing Official*, states the member was awarded the Legion of Merit for superior accomplishments including highly classified projects during the reporting period.

On 4 Jun 67, Special Order Attorney-Cl... was published awarding the member the Bronze Star Medal for meritorious service for the period 16 May 66 to 1 May 67.

On 30 Jun 68, according to DD Form 214, the member was released from active duty for the purpose of retirement. He was credited with 26 years, 1 month, and 2 days of active service. Item 24, *Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized*, reflects: Air Medal; Distinguished Flying Cross; Air Force Commendation Medal, Army Commendation Medal, with one bronze service star (BSS); World War II Victory Medal; Korean Service Medal; National Defense Service Medal, with one BSS; United Nations Service Medal; Air Force Longevity Service Award, with five oak leaf clusters; Vietnam Service Medal; Republic of Vietnam Campaign Medal.

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

AIR FORCE EVALUATION

AFPC/DP3SP (Recognition Program) recommends granting the applicant's request for the Legion of Merit. In accordance with Department of the Air Force Manual (DAFMAN) 36-2806, *Military Awards: Criteria and Procedures*, dated 27 Oct 22, the Legion of Merit was established by Congress on 20 Jul 42 and is currently awarded pursuant to Title 10, United States Code Section 1121. The medal is awarded to any member of the U.S. Armed Forces or any friendly foreign nation who, after 8 Sep 39, has distinguished himself or herself by exceptionally meritorious conduct in performing outstanding services.

The applicant provided a citation and signed certificate for the Legion of Merit for exceptionally meritorious conduct from 1 Aug 60 to 3 Dec 62, which appear to be authentic. There is no special order, and the documents were not found in the member's military personnel record. However, an officer performance report for the period 3 Dec 62 to 24 Aug 63, located in the member's record contains comments indicating the member was awarded the Legion of Merit for superior accomplishment of various projects.

In addition, they were able to verify award of the Bronze Star Medal. Accordingly, the member's record will be administratively corrected following the Board.

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 18 Jan 23 for comment (Exhibit D) but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed, but it is in the interest of justice to excuse the delay.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the member is 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 substantiates the applicant's contentions. Therefore, the Board recommends correcting the member's records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to MEMBER be corrected to show that his DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, issued in conjunction with his 30 Jun 68 discharge, be amended in Item 24, to reflect the Legion of Merit.

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-2021-03079 in Executive Session on 19 Oct 23:

, Panel Chair
, Panel Member
, Panel Member

All members voted to correct the record. The panel considered the following:

Exhibit A: Application, DD Form 149, w/atchs, dated 16 Aug 21.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 18 Jan 23.
Exhibit D: Notification of Advisory, SAF/MRBC to applicant, dated 18 Jan 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