

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-03709

XXXXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He be awarded the Chief Airman Aircrew Member Badge.

APPLICANT'S CONTENTIONS

The rewrite of AFI 11-402, *Aviation and Parachutist Service, Aeronautical Ratings and Badges*, dated 1 Sep 97, resulted in an injustice, because the new guidance would not grandfather aircrew members that started aviation careers under the previous addition. He was awarded the Senior Airman Aircrew Member Badge on 1 Jun 99. He met all requirements and would have been awarded the Chief Airman Aircrew Member Badge on 1 Jun 04, under the previous version of AFI 11-402. His last date flown was 13 Sep 04.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force master sergeant (E-7).

On 7 Jun 84, the applicant entered the Regular Air Force.

On 19 Jul 94, the applicant was awarded the Airman Aircrew Member Badge.

On 1 Jun 99, the applicant was awarded the Senior Airman Aircrew Member Badge.

On 31 Aug 05, the applicant was relieved from active duty and retired effective 1 Sep 05, having served 21 years, 2 months, and 24 days of 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

HQ AF/A3TM recommends denying the application. Based on documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice. The applicant did not meet all of the requirements for award of advanced badges (Chief Airman Aircrew Member Badge), in accordance with AFI 11-402, Table 9.1, dated 29 Jul 03 (Attached), which was the policy at the time. In addition, AF/A3TM is unable to use current eligibility requirements to retroactively award badges for past aviation service. While they respect and are grateful for the applicant's service to his country, he did not meet the mandatory requirements for award of the Chief Airman Aircrew Member Badge.

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 1 Aug 22 for comment (Exhibit D), and the applicant's response dated 2 Aug 22 was received 22 Aug 22. In his response, the applicant contended had AFI 11-402, dated 1 Sep 97, not been revised on 23 Jul 03, he would have been awarded the Chief Airman Aircrew Member badge on 1 Jun 04. The injustice of this matter was not grandfathering aircrew members that started their aviation service under the edition of AFI 11-402, dated 1 Sep 97. He was unable to obtain a copy of the AFI 11-402, dated 1 Sep 97. His last date flown was 13 Sep 04.

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. The Board concurs with the rationale and recommendation of HQ AF/A3TM 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 Air Force Instruction 36-2603, *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.

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 Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.5, considered Docket Number BC-2021-03709 in Executive Session on 24 Aug 22:

, 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 27 Nov 21.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, HQ AF/A3TM, w/atchs, dated 28 Jul 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 1 Aug 22.
- Exhibit E: Applicant's Response, dated 2 Aug 22.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings pertaining to Docket Number BC-2021-03709, as required by AFI 36-2603, paragraph 4.12.9.

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Board Operations Manager, AFBCMR