



CUI//SP-MIL/SP-PRVCY

**UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS**

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2023-00298

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He be authorized a 10 percent increase in retired pay for extraordinary heroism.

APPLICANT'S CONTENTIONS

In Mar 13, the applicant was awarded the Air Force Commendation Medal for heroism, after he and two fellow Airmen saved three individuals from the flooded and dangerous waters of the Chena River. Although the medal is not an Airman's Medal, the Air Force Commendation Medal was awarded specifically for heroism; however, he was not considered for a 10 percent increase in retired pay at the time. He contacted the Air Force Personnel Center and was advised in accordance with AFI 36-3203, *Service Retirements*, paragraph 8.11, "If an enlisted member believes consideration for the increase was not made at the time the medal was awarded, the member may ask for Secretarial decision. Requests for review are submitted using DD Form 149, *Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552.*" As such, he is making the request for the payment increase.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 14 Mar 14, according to Special Order *Work-Product*, the applicant was awarded the Air Force Commendation Medal for heroism performed on 26 Mar 13.

On 1 Mar 24, according to Special Orders *Work-Product*, dated 14 Apr 23, the applicant is projected to retire from the Regular Air Force.

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

APPLICABLE AUTHORITY/GUIDANCE

Air Force Instruction 36-3203, paragraph 8.11.2, the Secretary of the Air Force has the authority to evaluate heroic actions that have earned the Silver Star, Distinguished Flying Cross (Noncombat), and the Airman's Medal to determine if extraordinary heroism was involved, which would entitle the recipient to the increase in retired pay.

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Controlled by: SAF/MRB
CUI Categories: SP-MIL/SP-PRVCY
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

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10 U.S.C. §8991 paragraph (a)(2) states an additional 10 percent may be credited for certain enlisted members who demonstrated with extraordinary heroism. If a member who is retired under § 8914 of this title has been credited by the Secretary of the Air Force with extraordinary heroism in the line of duty, the member's retired pay shall be increased by 10 percent of the amount determined under paragraph (1). The Secretary's determination as to extraordinary heroism is conclusive for all purposes.

AIR FORCE EVALUATION

SAF/MRBP recommends denying the application. The applicant contends he was not considered for the retired pay increase at the time he received the Air Force Commendation Medal for extraordinary heroism and was advised by the Air Force Personnel Center to submit a request for a Secretarial decision in accordance with AFI 36-3203, paragraph 8.11. While the applicant is correct that he did not receive consideration for an increase in retired pay at the time of his award, it is because the Air Force Commendation Medal is not authorized for such consideration. Department of the Air Force policy allows only members awarded the Silver Star, Distinguished Flying Cross (non-combat), and the Airman's Medal to be awarded an additional 10 percent in retired pay for extraordinary heroism. Based on review of the documents provided by the applicant and analysis of the facts, there is no error or injustice because in accordance with AFI 36-3203 paragraph 8.11.2., the Air Force Commendation Medal is not authorized to receive the additional 10 percent in retired pay.

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 25 Apr 23, for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was 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 distinguished himself by heroism and was awarded the Air Force Commendation Medal for his efforts. Nevertheless, while his efforts were noteworthy, recipients of the Air Force Commendation Medal are not entitled to a 10 percent increase in retired pay. Therefore, the Board concurs with the rationale and recommendation of SAF/MRBP and finds a preponderance of the evidence does not substantiate the applicant's contentions. Accordingly, the Board recommends against correcting the applicant's records.

RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, 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-2023-00298 in Executive Session on 6 Jul 23:

Work-Product [Redacted] Chair, AFBCMR
Work-Product [Redacted] Panel Member
Work-Product [Redacted] Panel Member

All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 12 Jan 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, SAF/MRBP, w/atchs, dated 24 Apr 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 25 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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