

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00583

XXXXXXXXXX

COUNSEL: XXXXX

HEARING REQUESTED: YES

APPLICANT'S REQUEST

He be considered for promotion by a special selection board (SSB) for the CY21D (P0421D) Major Line of the Air Force Combat Support (LAF-C) Central Selection Board (CSB).

His Letter to the Board and his Air Force Commendation Medal (AFCM) (First Oak Leaf Cluster with "C" Device (1OLC w "C" Device)) be placed in his Officer Selection Record (OSR) and it be considered by the SSB.

APPLICANT'S CONTENTIONS

He was deployed to Afghanistan for the period of 8 Feb 19 – 16 Jan 20 and his squadron commander submitted him for the award of the AFCM with "C" Device. However, the award package was lost during the routing process and he was unable find the lost decoration and get in in his records prior to the CY21D LAF-C CSB. As such, his records that met the promotion board did not accurately portray his ability to assume the next rank and he believes this is the probable reason that he was non-selected for promotion. Furthermore, he had every intention to write a letter to the promotion board regarding the missing decoration; however, he relied on his commander's guidance and did not write one.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force captain (O-3).

On 15 Jan 20, according to AF IMT 104, *Service Medal Award Verification*, reflects while assigned to the XXXXXXXXXX for the inclusive dates of 8 Feb 19 – 23 Jan 20, the applicant was awarded the NATO Medal, the Air Force Expeditionary Service Ribbon with Gold Border, the Short Tour Ribbon and the "AfgCM".

On 13 Jul 21, the Personnel Services Delivery Memorandum (PDSM) 21-71 (corrected 12 Oct 21) announced that the CY21D Major Line of the Air Force Air Operations and Special Warfare (LAF-A), Line of the Air Force Nuclear and Missile Operations (LAF-N), Line of the Air Force Information Warfare (LAF-I), Line of the Air Force Combat Support (LAF-C), and Line of the Air Force Modernization (LAF-F) (P0421D) Central Selection Boards (CSBs) – Tentatively Convenes on 30 Nov 21.

On 17 May 22, according to AFCENT Form 3994, *Recommendation for Decoration Deployment/Contingency Operations*, his commander recommended him for the Air Force Commendation Medal (AFCM) with "C" Device. The commander states that "I wrote the <applicant's name> a decoration in Jan 20. This decoration was lost due to a large exodus of

people...during the spring of 2020 due to the COVID pandemic. I am re-routing his decoration now because <the applicant> never received the decoration I wrote”.

On 6 Jun 22, according to the citation for *The Air Force Commendation Medal (First Oak Leaf Cluster with “C” Device)*, Special Order XXXXX, “Given Under My Hand” (signed) 6 Jun 22, by the Commander 9th Air Force/Air Force Central Command, he was awarded the AFCM (IOLC w “C” Device) for the period of 8 Feb 19 to 16 Jan 20, for outstanding achievement while assigned to the XXXXXXXX in support of Operation FREEDOM’S SENTINEL.

On 17 Apr 23, a review of the applicant’s *Statistical Analysis & Retrieval System + Retrieval Applications Website* (STARS RAW) record reflects the following awards: the Meritorious Service Medal; the AFCM w/C Device; and the AFCM. The citations for each award were found in his Automated Records Management (ARMS) records.

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

APPLICABLE AUTHORITY/GUIDANCE

Background: Historically the “Given Under My Hand Date” is the date the approving official signed the approved decoration, thus making it a matter of record. While AFI 36-2803, *The Air Force Military Awards and Decorations Program*, dated 18 Dec 13, with incorporated changes dated 8 Feb 18, is absent information regarding a “Given Under My Hand Date?”; DAFMAN 36-2806, *Military Awards: Criteria and Procedure*, dated 27 Oct 22, which replaced AFI 36-2803 states in Attachment 4, *Preparation and Distribution of Certificates, Citations and Special Orders*, Paragraph A4.2.2. that, **“the ‘Given Under My Hand’ date on the certificate is the date the award was approved.”** In this case the “Given Under My Hand” date was not signed until, 6 Jun 22, after the date the Board convened on 30 Nov 21 and therefore was not considered by the Board. However, the applicant’s argument is that the inclusive period of the award (or the act and achievement) was prior to the date the Board convened and should now be considered material information that was not previously considered and as such warrants an SSB.

AFPC/DP3SP (Recognitions) and AFPC/DP2SSP (Officer Promotions), have recently changed their stance on correcting the “Given Under my Hand Date.” In the past, cases have been closed for “Failure to Exhaust Remedies” and applicants were told that they must first request an amendment to the “Given Under My Hand Date” from the approval authority, who may approve or deny based on the circumstances. However, after further review of the regulation, AFPC has now advised that the “Given Under My Hand Date” is unamendable by the approval authority. In addition, via e-mail dated, 16 Mar 20, titled “Policy guidance needed for Decorations – “Given Under My Hand Date,” Headquarters Air Force A1 confirmed that the “Given Under My Hand Date” is the date that the commander approves the decoration, which is also the same for all Sister Services, Joint Staff and DoD. As such, AFBCMR is the only option that the applicant has is to request a change to the “Given Under My Hand Date.”

Regulation Guidance:

AFI 36-2803, *The Air Force Military Awards and Decorations Program*, dated 18 Dec 13, incorporating changes 8 Feb 18.

2.2.2. Submit decoration recommendations in a timely manner. Should the member be non-recommended for a decoration, the DECOR6 should be signed and returned to the commander no later than 10 duty days prior to MPS or other established suspense. Should the member be recommended for a decoration, complete a decoration recommendation as soon as possible following the act or achievement; or before the period of service. Due to statutory time limitations, each recommendation for a decoration (except for the PH) must be placed into

official channels within 2 years of the date of the act or achievement, or last day of the period of service, and final action (approval/disapproval, upgrade/downgrade) must be done within 3 years of the act, achievement, or service performed. However, to meet the objective of prompt recognition (“Pin ‘Em Where You Win ‘Em” philosophy), supervisors must not delay in submitting a decoration to the point of 2 years from the act, achievement, or service, since this may impact other critical personnel matters. (T-3).

AFMAN 36-2806, *The Air Force Military Awards and Decorations Program*, dated 10 June 2019,

A3.31.2: Recommendations are formally entered into official military channels within 3 years and awarded within 5 years of the termination date of the act, achievement, or service performed.

A4.3.2. It is highly recommended units support the Air Force “Pin ‘Em Where You Win ‘Em” practice which promotes timely approval and presentation of decorations to members prior to departing the organization, unless the member specifically requests otherwise.

DAFMAN 36-2806, *Military Awards: Criteria and Procedure*, dated 27 Oct 22

3.2.2. Recommendations are formally entered into official military channels within 3 years and awarded within 5 years of the termination date of the act, achievement, or service performed. (T-0). However, it is DAF’s goal that nominations for valor decorations be initiated within 90 days of the act justifying the award.

A4.8. Correcting a Decoration. Approval authorities may correct a certificate, citation, special order, or combined certificate and special order when discrepancies are identified and/or when special order amendments change information on the elements. For example, if a special order amendment changes the inclusive dates of a decoration, the approval authority who approved the decoration may correct certificate and citation to match the changes.

2.26.1. It is highly recommended units support the “Pin ‘Em Where You Win ‘Em” practice which promotes timely approval and presentation to members prior to departing the organization, unless the member specifically requests otherwise.

AFI 36-2501, *Officer Promotions and Selective Continuation*:

1.3.1.3. Flows Officer Preselection Briefs (OPB) for eligible officers to the MPFs approximately 140 days before the board convenes.

2.10. Writing Letters to a Board.

2.10.2. Eligible officers may provide relevant attachments to their letters; with the following limitations. HQ AFPC/DPSOO advises officers when letters and/or attachments do not meet the above requirements and will not be presented to the board.

2.10.2.3. Attachments or documents that can become a permanent part of the officer’s record (e.g., PRFs considered by previous boards, draft/proposed PRFs, draft/proposed OPRs, and decoration narratives) are not permitted; and

2.11. What Information Meets the Board.

2.11.1. The name and officer selection record (OSR), outlined in AFI 36-2608, Military Personnel Records System, of each eligible officer, including the Officer Selection Brief (OSB).

AFI 36-2608, *Military Personnel Records Systems*, dated 16 Apr 21

1.2.3. Electronic Officer Selection Record. This group contains all officer performance reports, citations for decorations, and any required adverse documentation outlined in paragraph 2.2.2.3.

2.2.2.2. Citations for Decorations. Place citations for all awarded decorations listed in AFMAN 36-2806, Awards and Memorialization Program (or equivalent from another military service). Use a copy of the special order that awarded the decoration only if a citation is missing.

According to AFI 36-2501, *Officer Promotions and Selective Continuation*, Chapter 6, *Special Selection Boards*

6.3. Conditions That May Warrant an SSB. Grant SSBs for promotion to the grade of captain through colonel based on:

6.3.1. Legal, Administrative, and Material Errors. Acting on behalf of the SECAF, HQ AFPC/DPPP and HQ AFPC/DPPPO can direct an SSB for an officer if it is determined:

6.3.1.2. The board did not consider material information that should have been available in compliance with pertinent Air Force directives and policies.

6.3.2. Pursuant to Formal Appeal. The AFBCMR can grant SSBs when they determine an officer's nonselection for promotion resulted because of an error or injustice in the officer's record.

6.5.2. Consider the records of officers as they would have appeared to the original board had the officers been properly considered. Compare the officers' records with benchmark records from the original boards (paragraph 3.3.3).

AIR FORCE EVALUATION

AFPC/DPMSPP recommends denying the request. The applicant met the CY21D Major P0421D LAF-C CSB and was non-selected for promotion. In accordance with DAFI 36-2501, he is not eligible for SSB consideration as the board considered his record within its entirety. While it has been confirmed that he received an AFCM for outstanding achievement during the period of 8 Feb 19 – 16 Jan 20, however, the award was not authorized until 6 Jun 22, as shown on the “Given Under My Hand” date. Therefore, as he was not awarded this decoration before the date on which the P0421D board convened, it is not eligible for consideration by the promotion 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 21 Mar 23 for comment (Exhibit D), and the applicant replied on 22 Mar 23. In his response believes that he exercised due diligence to ensure that his records were correct, but he was unable to locate the missing decoration and have it posted to his OSR before the promotion board met.

The applicant’s complete response is at Exhibit E.

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 the victim of an error or injustice. While the Board notes the recommendation of AFPC/DPMSPP against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions. Specifically, the Board determines the applicant's situation is different from other similarly situated officers as he exercised due diligence to ensure that his records were correct prior to the CSB convening. Furthermore, the Board notes that the applicant's commander specifically indicated on the AFCENT Form 3994 that he submitted the decoration in Jan 2020, but the decoration was lost. As such, had the decoration not been lost, which was also no fault of the applicant, it would have been included in his records for the P0421D promotion board. While the Board is hesitant to directly attribute the missing award to his non-selection for promotion, the excessive delay in the normal processing timeline for decorations can be attributed to administrative error which resulted in an injustice to the applicant. Therefore, the Board recommends correcting the applicant's records as indicated below.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that:

a. His Officer Selection Record for the CY21D Major P0421D LAF-C Central Selection Board include the Air Force Commendation Medal, First Oak Leaf Cluster with "C" Device and his Letter to the Board.

b. He receive consideration for promotion to the grade of major by a Special Selection Board for the CY21D Major P0421D LAF-C Central Selection Board.

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-2023-00583 in Executive Session on 9 May 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, w/atchs, dated 14 Feb 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSPP, dated 20 Mar 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 21 Mar 23.
- Exhibit E: Applicant's Response, dated 22 Mar 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

Board Operations Manager, AFBCMR