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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2023-01887

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He be authorized a ten (10) percent increase in retirement pay for extraordinary heroism as evidenced by his award of the Distinguished Flying Cross (DFC) for extraordinary achievement.

APPLICANT'S CONTENTIONS

The applicant requests Secretarial review from the Air Force Board for Correction of Military Records (AFBCMR) in accordance with AFI 36-3203, *Service Retirement*, paragraph 8.11.2. which states, "If an enlisted member believes consideration was not made at the time the medal was awarded, the member may ask for a Secretarial decision through the AFBCMR process." In this regard, the applicant indicates his Medal was downgraded from heroism and therefore did not receive automatic review for the increase in retirement pay.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

According to Special Order *Work-Product*, dated 27 Dec 11, the applicant was awarded the DFC for extraordinary achievement while participating in aerial flight on 10 Apr 11.

According to the *Citation to Accompany the Award of The Distinguished Flying Cross*, the applicant distinguished himself by "extraordinary achievement" on 10 Apr 11. The citation states:

On that date, <<the applicant>> was conducting a medical evacuation mission when his HC-130P aircraft experienced a crippling landing gear emergency. The crew promptly identified that one main landing gear did not fully extend. After reviewing the technical order, the crew executed two separate emergency procedures to lower the gear with no effect. With one option remaining, the crew elected to extend the landing gear manually. <<the applicant>> worked with his fellow aircrew to remove the gear inspection windows while the pilot descended to a safe altitude to accommodate a patient with hemorrhaging lungs. Risking personal injury, <<the applicant>> reached through the gear inspection windows to the exterior of the aircraft on multiple occasions to secure the landing gear with chains. With fuel reaching minimum levels and thunderstorms forcing an immediate landing, <<the applicant>> was left with only half the prescribed amount of time required to complete the emergency procedure. Getting three of the four chains installed, <<the applicant>> remained mobile in the cargo compartment tightening the chains until seconds

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before touchdown. Due to his brave actions, the aircraft landing gear did not collapse upon landing thereby saving the lives of thirteen people and preserving a seventy-seven million dollar Air Force asset. The professional competence, aerial skill, and devotion to duty displayed by <<the applicant>> reflect great credit upon himself and the United States Air Force.

On 31 July 2023, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant was honorably discharged for the purpose of retirement and was credited with 23 years, 1 month, 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.

APPLICABLE AUTHORITY/GUIDANCE

DAFI 36-3203, *Service Retirements:*

8.11. Retired Pay Increase Due to Extraordinary Heroism (Enlisted Only). Active component enlisted members who had Deeds of Extraordinary Heroism may be entitled to receive 10 percent additional retired pay if member retires under 10 USC § 8914 (10 USC § 8991). For Reserve Component enlisted members, payments for acts or deeds begin October 1, 2002 (10 USC § 12739) although the act or deed may have occurred prior to this date.

8.11.1. Since regulations require extraordinary heroism as the criterion for award of the Medal of Honor, Air Force Cross, or equivalent Army or Navy decorations, these awards provide automatic entitlement to the additional 10 percent retirement pay (not to exceed 75 percent of the member's active duty basic pay at the time of retirement) for enlisted members. If heroism is involved in the award of any other medal to an enlisted member, SECAF will determine, coincident to awarding the medal, whether or not the additional 10 percent retirement pay will be authorized.

8.11.2. Because the law is not restrictive with regard to the types of decorations that may qualify an individual for this increase in retired pay, the SecAF has the authority to evaluate the 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.

8.11.3. Since 1969, enlisted members who have been awarded the Silver Star, the Distinguished Flying Cross for heroism in a non-combat action, or the Airman's Medal have been automatically considered for the additional 10 percent retired pay increase. If a member was approved for the additional 10 percent increase in retirement pay, the member's special order approving the decoration will include a statement to that fact. If an enlisted member believes consideration was not made at the time the medal was awarded, the member may ask for a Secretarial decision through the Air Force Board for Correction of Military Records process.

DAFMAN 36-2806, *Military Awards: Criteria and Procedures:*

A2.7. DISTINGUISHED FLYING CROSS (DFC). The medal was established by an act of Congress on 2 July 1926 and is currently awarded pursuant to 10 USC § 9279 (as amended by EO

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13830 (2018) and EO 14085 (2022)). It is awarded to eligible persons who, while serving in any capacity with the Air Force, distinguish themselves by heroism or extraordinary achievement while participating in aerial flight. Both heroism and achievement are entirely distinctive, involving operations that are not routine.

A2.7.1. Eligibility.

A2.7.1.1. The performance of the act of heroism must be evidenced by voluntary action above and beyond the call of duty.

A2.7.1.2. The extraordinary achievement must have resulted in an accomplishment so exceptional and outstanding as to clearly set the individual apart from comrades or from other persons in similar circumstances.

A2.7.1.3. Decorations are made only to recognize single acts of heroism or extraordinary achievement; they are not made in recognition of sustained operational activities against an armed enemy.

Title 10, U.S.C. § 8991 paragraph (a)(2) states an additional 10 percent for certain enlisted members credited 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 applicants request to receive an additional 10 percent retirement pay increase for the Distinguished Flying Cross (DFC) for "extraordinary achievement" he received in 2011. While the actions described in the DFC citation provided by the applicant were certainly noteworthy and appropriately recognized by award of the DFC for extraordinary achievement, his actions do not meet the criteria for heroism (voluntary risk of life) as defined in DAFMAN 36-2806. In this regard, the applicant's actions were the outcome of a situation where he and another crew member executed prescribed emergency procedures. Additionally, the record indicates the applicant's actions did not constitute a risk of life as determined by recommending officials as the citation describes the applicant's efforts as a risk of "personal injury." This is supported by the decision of officials to recommend and approve the award for the DFC for extraordinary achievement and not heroism. Notwithstanding the above, even if we assumed the applicant's actions constitute heroism as described in DAFMAN 36-2806, the actions described do not rise to the level required to constitute extraordinary heroism as determined by the SECAF Decorations Board in the review of recommendations for the Silver Star, DFC (non-combat), and Airman's Medal since 1969.

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 4 Mar 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 Board concurs with the rationale and recommendation of SAF/MRBP and finds a preponderance of the evidence does not substantiate the applicant’s contentions. The Board notes, that in accordance with DAFI 36-3203, *Service Retirements*, Paragraph 8.11.3. the DFC issued for heroism in a noncombat action, is eligible for automatic consideration of the 10 percent increase in retirement pay; however, the applicant was awarded the DFC for extraordinary achievement for combat action. While the Board commends the applicant’s extraordinary achievement, the Board does not find the award meets the eligibility criteria for the increase in pay. Therefore, 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-2023-01887 in Executive Session on 9 Apr 24:

- Work-Product** Panel Chair
- Work-Product** Panel Member
- Work-Product** Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 1 Feb 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, SAF/MRBP, dated 3 Mar 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 4 Mar 24.

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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