



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00276

Work-Product

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) with Valor (w/V) for extraordinary achievement.

APPLICANT'S CONTENTIONS

Since 1969, decoration boards have reviewed heroic acts during the decoration approval process to determine if they meet the threshold of extraordinary heroism. The law is not restrictive regarding the types of decorations that may qualify an individual for the increase; therefore, his decoration of valor for heroism while serving in **Work-Product** during Operation IRAQI FREEDOM should be reviewed to verify approval for the retired pay increase. He believes no such annotation exists and he believes his actions qualify for the extraordinary heroism pay increase.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

According to Special Order **Work-Product** dated 29 April 2005, the applicant was awarded the DFC for extraordinary achievement while participating in aerial flight on 12 April 2004.

According to the *Citation to Accompany the Award of The Distinguished Flying Cross (with Valor)*, the applicant distinguished himself by heroism while participating in aerial flight as a MH-53 Aerial Gunner on 12 April 2004.

According to the Retrieval Applications Web, the applicant's date of separation reflects 3 June 2026.

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

APPLICABLE AUTHORITY/GUIDANCE

AFI 36-3203, *Service Retirements*:

AFBCMR Docket Number BC-2024-00276

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Controlled by: SAF/MRB
CUI Categories: **Work-Product**
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

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) [sic]. 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 of the member's AD 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.

Title 10, U.S. Code 8991 paragraph (a)(2) states an additional 10 percent for certain enlisted members credited with extraordinary heroism. If a member who is retired under section 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. While the applicant contends some kind of error or omission precluded him from earning the additional 10 percent in retired pay, the applicant is not eligible for the additional retired pay under 10 USC 8991 because the DFC w/V does not qualify. AFI 36-3203 describes the requirements for the review of certain decorations for the purpose of establishing the entitlement for additional retired pay.

The applicant was awarded the DFC w/V for his actions in combat on 12 April 2004. However, because his DFC w/V was awarded for action in combat, it is not eligible for the review as described in AFI 36-3203. Under the criteria, only the DFC for heroism in a non-combat action is eligible for review. Therefore, because AFI 36-3203 authorizes the SecAF to consider the additional 10 percent in retired pay for certain decorations, and the DFC w/V is not one of them, the applicant is not eligible for the additional 10 percent in retired pay. The applicant has presented no evidence of an error or injustice, nor has he presented any evidence he has been treated differently than other similarly situated airmen (those awarded the DFC w/V). Our recommendation in no way diminishes our appreciation for the applicant's actions on the day in question or for his contributions over a long and distinguished career.

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 22 August 2024 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. 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-2024-00276 in Executive Session on 8 October 2024:

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 16 February 2024.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, SAF/MRBP, dated 22 August 2024.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 22 August 2024.

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.

3/11/2025

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Board Operations Manager, AFBCMR

Signed by: Work-Product Work-Product

AFBCMR Docket Number BC-2024-00276

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