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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-02493

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: YES

APPLICANT'S REQUEST

Her Meritorious Service Medal (MSM), Fifth Oak Leaf Cluster, awarded for the period of 15 May 21 to 31 Jul 22, be upgraded to the Legion of Merit (LOM).

APPLICANT'S CONTENTIONS

She was assigned as a Reserve Individual Mobilization Augmentee (IMA) to the Department Head at the United States Air Force Academy (USAFA) from 15 May 21 to 12 Aug 22. Her then immediate supervisors initiated a LOM. However, due to several administrative delays and alleged meddling by a peer IMA who did not believe she should receive a LOM unduly influenced the new Numbered Air Force Commander (NAF/CC) and Staff Judge Advocate (SJA) and her LOM was downgraded to an MSM. The injustice has negatively impacted her career and promotion opportunities.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force Reserve colonel (O-6).

In an email dated 7 Sep 22, the Mobilization Assistant stated the applicant was submitted for a LOM, which was completed and approved outside the My Decs process. The award submission was with the NAF/CC and ready for approval with the exception of the Décor 6.

On 12 Sep 22, NAF/JA email traffic reflects the recommendation for the LOM may need to be changed to an MSM.

On 2 Dec 22, according to AF Form 102, *Inspector General Complaint Form*, the applicant filed a complaint alleging the NAF/CC and NAF/JA reduced her LOM to an MSM after interference by a Reserve senior IMA. The applicant requested the LOM be reinstated and the IMA be admonished.

On 7 Feb 23, according to Special Order Work-Product the applicant received the award of the Meritorious Service Medal (Fifth Oak Leaf Cluster), for the period of 15 May 21 to 31 Jul 22, signed by the NAF/CC.

On 13 Feb 23, the applicant was informed by the major command JA her complaint to the IG dated 2 Dec 22 concerning allegations of abuse of authority and a hostile work environment was examined and found to be not substantiated.

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Controlled by: SAF/MRB

CUI Categories: Work-Product

Limited Dissemination Control: N/A

POC: SAF.MRBC.Workflow@us.af.mil

On 20 Aug 24, according to email traffic from AFPC/DPSTTC (AFPC/Recognitions), the applicant was informed all avenues of administrative correction had been exhausted and the AFBCMR re-opened her case.

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

APPLICABLE AUTHORITY

Department of the Air Force Manual 36-2806, *Military Awards: Criteria and Procedures*:

A2.6. Legion of Merit (LOM). The medal was established by an act of Congress on 20 Jul 42 and is currently awarded pursuant to 10 U.S.C. § 1121. The medal is awarded to any member of the U.S. Armed Forces or any friendly foreign nation who, after 8 Sep 39, distinguished himself or herself by exceptionally meritorious conduct in performing outstanding services. Eligibility. The performance merits recognition of key individuals for service rendered in a clearly exceptional manner. Performance of duties normal to the grade, branch, specialty, assignment or experience is not an adequate basis for this decoration. For service rendered in peacetime, the term "key individual" applies to a narrower range of positions than would be the case in time of war and requires evidence of significant achievement. In peacetime, service should be in the nature of a special requirement or of an extremely difficult duty performed in an unprecedented and clearly exceptional manner. However, justification may accrue by virtue of exceptionally meritorious service in a succession of important positions.

A2.6.1.5. For U.S. Military Personnel. A2.6.1.5.1. Restricted to officers in the grade of Colonel (O-6) (and above) and Chief Master Sergeants (E-9) with a minimum of 12 months time in the position being recognized.

A2.11. Meritorious Service Medal (MSM). The MSM was authorized by Executive Order (EO) 11448, 16 Jan 69. The medal is awarded to any service member, or to any member of the armed forces of a friendly foreign nation, who has distinguished himself or herself by outstanding meritorious achievement or service. Eligibility. Normally the acts or services rendered are comparable to that required for the LOM, but in a duty of lesser though considerable responsibility. The MSM may be awarded for outstanding achievement or service while serving in combat zones, combat zone tax exclusion areas, and areas authorized for hostile fire pay, imminent danger pay, or hazardous duty pay.

Department of the Air Force Instruction (DAFI) 36-2803, *Military Decorations and Awards Program*:

2.1. Considerations. The DAF military awards program is designed to recognize sustained and superior performance demonstrated by individuals and units. Commanders use personal military decorations; campaign, expeditionary, and service awards; unit awards; and special trophies and awards to recognize meritorious or outstanding service, as well as excellence above and beyond the actions of others. 2.1.10. Immediate supervisors and commanders evaluate all related facts regarding the service of a member before recommending or approving an award.

2.2. Personal Military Decorations. Service members make many personal and professional sacrifices to ensure successful completion of DAF missions. Acts of valor, non-combat heroism, and meritorious service and achievement deserve special recognition (see Table 2.1). Criteria and processing procedures for personal military decorations can be found in AFMAN 36-2806.

2.2.1. Any member of the US Armed Forces or DoD civilian employee who has firsthand knowledge of the act, achievement, or service can recommend a personal military decoration. In cases where the person initiating the recommendation does not have firsthand knowledge of the act or service performed, or access to official supporting records, supporting documentation should be included.

2.2.4. Grade is not a factor in determining the type or level of an award (unless stipulated in AFMAN 36-2806), nor are any quotas established limiting the number of awards that may be recommended or approved. Recommendations are based solely on the merits of a member's actions or the member's level of responsibility, achievements, accomplishments, and manner of performance.

AIR FORCE EVALUATION

AFRC/A1KK, recommends granting the request. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. The documentation clearly indicates that the applicant's record is exemplary—her military service, unwavering vigor in duty execution, and the positive assessments from her leadership collectively affirm that she met and even exceeded the LOM decoration criteria. Evidence suggests that the downgrade of the LOM decoration was not a reflection of her performance but rather an error or injustice in the perceived eligibility evaluation and awarding process. When errors like this occur, they often stem from one or more issues: oversight by decision makers, misinterpretations of the criteria, or even systemic biases in the review process. A detailed examination of her records, considering both the qualitative assessments and the quantitative performance measures, helped solidify the case for a formal review.

A LOM is meant for those that distinguish themselves with exceptionally meritorious conduct in performing outstanding services. Per DAFMAN 36-2806, it is awarded to members of the U.S. Armed Forces or any friendly nation, who after 8 Sep 39, has distinguished themselves by exceptionally meritorious conduct in performing outstanding services. Her Officer Performance Report, for the rating period of 16 May 21 thru 15 May 22, reflects exceptional performance. Furthermore, she was listed in the Public Release for the 2023 Reserve Brigadier General Qualification Board (RBGQB) that identifies qualified Colonels eligible for consideration to be assigned to Reserve General Officer positions and subsequently compete for promotion. The applicant also meets the U.S. Military Personnel LOM criteria as outlined in DAFMAN 36-2806 paragraph 2.6.1.5.

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 9 Apr 25 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 thoroughly reviewing all Exhibits, the Board concludes the applicant is not the victim of an error or injustice. While the Board notes the comments of AFRC/A1KK in favor of granting relief, the Board believes a preponderance of the evidence fails to substantiate the applicant's contentions. Although AFRC/A1KK states the evidence suggests the downgrade of the LOM was not a reflection of her performance but rather an error of injustice in the perceived eligibility evaluation and awarding process, the Board disagrees. The evidence clearly shows the Approval Authority, the NAF/CC, considered whether the applicant's performance merited a LOM or MSM for her service and determined her service and performance best met the criteria for outstanding meritorious service and approved the award of the MSM. While the applicant alleges the decision to award the MSM rather than the LOM was the result of negative influence by a peer, the resulting IG investigation found her allegations to be not substantiated. The Board finds the NAF/CC's decision to award the MSM was well within his authority and the evidence presented is insufficient to demonstrate a material error or injustice to warrant upgrading the MSM to a LOM. Therefore, the Board recommends against correcting the applicant's records.

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 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-2024-02493 in Executive Session on 6 Jun 25:

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 Jul 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFRC/A1KK, dated 8 Apr 25.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 9 Apr 25.

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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.

6/18/2025

X

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Board Operations Manager, AFBCMR
Signed by: USAF

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