

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 September 2024

DOCKET NUMBER: AR20230015034

APPLICANT REQUESTS: to be awarded the Basic Aviation Badge (formerly known as Aircraft Crew Member Badge).

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Department of the Army, Department of Defense, Title 32, Code of Federal Regulations (CFR), Chapter V, Section 578.91 (Aviation Badge - Basic)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.

2. The applicant states he is asking to be awarded and to have the Air Crew (Basic Aviation Badge authorized by regulations 578.91 and 578.92) added to his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge). He would like to be able to have the medal for his burial and is requesting the correction to his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge).

3. The case contains administrative corrections awarding the applicant the Korea Defense Service Medal and Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16). The Board will consider awarding the Basic Aviation Badge and Army Good Conduct Medal.

4. A review of the applicant's military service record shows:

a. He enlisted in the Regular Army on 12 October 1970 and completed basic combat and advanced individual training (AIT).

b. On 26 March 1971, Headquarters, U.S. Army Aviation Center and Fort Rucker, AL, published Special Orders Number 83, which awarded the applicant PMOS 93H20 (ATC) Tower Operator), effective 8 April 1971.

c. His DA Form 20 (Enlisted Qualification Record) shows in:

- item 22 (Military Occupational Specialties (MOS)) – he was awarded Primary (PMOS) 93H20 (Air Traffic Control (ATC) Tower Operator) on 8 April 1971
- item 31 (Foreign Service) – service in Korea from 16 June 1971-12 April 1972
- item 38 (Record of Assignments) – assigned excellent conduct and efficiency ratings
- item 41 (Awards and Decorations) – he was awarded or authorized the: National Defense Service Medal, Armed Forces Expeditionary Medal , and Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)

d. On 14 April 1972, he was honorably released from active duty and was transferred to his Army Reserve unit in California. His DD Form 214 shows in:

- item 23a (Specialty Number and Title) – 93H20 (ATC Tower Operator), 8 April 1971
- item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) – National Defense Service Medal and Armed Forces Expeditionary Medal
- item 25 (Education and Training Completed) – ATC Tower Operator, 93H20, U.S. Army Aviation School, 13 weeks, 1971

5. The applicant provides Title 32, CFR, Chapter V, Section 578.91 (Aviation Badge - Basic), which states:

a. Permanent award. (1) For permanent award of this badge, an individual must be on flying status, (physically qualified-class III), in accordance with Army Regulation (AR) 600–106 or be waived by Headquarters, Department of the Army, have performed in-flight duties for not less than 12 hours (not necessarily consecutive), or is school trained.

b. An officer on flying status as an aerial observer may be awarded the Basic Aviation Badge. U.S. Army personnel assigned to a Joint Service Airborne Command Post and serving as members of an operational team on flying status manning the Airborne Command Post are eligible for the award of the Basic Aviation Badge. Concurrent with such assignment, these personnel are authorized temporary wear of the Basic Aviation Badge until relieved from such duty or until such time as he or she fulfills the mandatory requirements for permanent award.

c. An individual who has been incapacitated for further flight duty by reason of being wounded as a result of enemy action, or injured as the result of an aircraft accident for which he or she was not personally responsible, or has participated in at least 15 combat missions under probable exposure to enemy fire while serving in a principal duty outlined in paragraph (a)(1) of this section, is permanently authorized to wear the Basic Aviation Badge.

d. The Basic Aviation Badge may be permanently awarded to Soldiers upon successful completion of formal Advanced Individual Training (AIT) in Career Management Field (CMF) 67 and CMF 93 [Military Occupational Specialties] MOS', and to Soldiers who previously completed AIT in CMF 28 MOS'. This includes Soldiers who graduated from AIT for MOS' in the 68 series. Soldiers holding MOS' 35L, 35M, 35Q, and 35W who graduated from a CMF 67 AIT prior to 30 September 1996 and MOSs 93C and 93P who graduated from a CMF 67 AIT after 31 December 1985 are authorized based on documented prior AIT.

e. The Aviation Badge may be permanently awarded to Soldiers upon successful completion of formal AIT in CMF 93 MOS'. Soldiers previously holding MOS 93B who graduated from a CMF 93 AIT prior to 1 January 1998 and Soldiers previously holding MOS 93D who graduated from a CMF 93 AIT prior to 30 September 1996 are authorized the badge based on documented AIT after 31 December 1985.

f. Temporary award. For temporary award of this badge, the commander of any Army unit that has Army aircraft assigned may authorize in published orders qualified personnel of his or her command to wear the Aviation Badge. The individual must be performing in-flight duties.

6. The applicant's service record did not contain orders awarding him the Basic Aviation Badge (formerly known as Aircraft Crew Member Badge).

7. The applicant's record is also void of derogatory information such as non-judicial punishment, court-martials, and a commander's disqualification memorandum; and did not contain orders awarding him the Army Good Conduct Medal.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Aircraft Crewmember or Aviation Badge: Deny. Award of the Aircraft Crew Member Badge is authorized to individuals on flying status such as crew chiefs,

electronic sensor system operators, and flight engineers or as a non-crewmember such as observers, medical aidmen, gunners, aircraft maintenance supervisors, or technical inspectors; are school trained for a principal duty specified above; have performed in one of the duties specified above for not less than 12 months (not necessarily consecutive); or participated in at least 15 combat missions. The applicant's records do not show he meets the criteria for this badge. Additionally, award of the Aviation Badge based on completion of MOS 93 is authorized for completion of MOS training after 31 December 1985. The applicant was awarded MOS 93H in April 1971.

b. Army Good Conduct Medal: Grant. As a related award, although not specifically requested, the Board noted that the applicant served continuously on active duty from 12 October 1970 to 14 April 1972; he completed 1 year, 6 months, and 3 days of net active service. He received excellent conduct and efficiency ratings. His record does not reflect any lost time or any derogatory information that would have disqualified him from receiving his first award of the Army Good Conduct Medal, or a commander's disqualifying memorandum for this award. The Board determined he met the criteria to be awarded the Army Good Conduct Medal (1st Award).

2. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
■	■	■	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the correction addressed in Administrative Note(s) below, the Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- awarding the applicant the Army Good Conduct Medal (1st Award) for service during the period 12 October 1970 through 14 April 1972
- adding award of the Army Good Conduct (1st Award) to his DD Form 214

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to award of the Aircraft Crewmember Badge.



I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

ADMINISTRATIVE NOTE(S):

1. The applicant's DD Form 214 should be corrected by adding to item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):

- Korea Defense Service Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)

2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board. DD Form 214, DA Form 20 (Enlisted Qualification Record), AR 600-8-22 (Military Awards), and AR 635-5 (Separation Documents)

3. Please correct the applicant's DD Form 214 in accordance with the guidance shown in paragraph 1 above. Provide the applicant with a copy of the corrections, and ensure that the corrections are recorded in the applicant's official military personnel record.

REFERENCES:

1. Title 10, USC, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. Army Regulation (AR) 15–185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. In pertinent part, it states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. The ABCMR will decide cases based on the evidence of record. The ABCMR is not an investigative agency.
3. AR 672-5-1 (Military Awards), in effect at the time, provided for temporary and permanent award of the Aircraft Crew Member Badge.
 - a. Commanders of any unit with Army aircraft assigned could publish orders allowing qualified members of that command to wear the Aircraft Crew Member Badge.
 - b. To be eligible for temporary award of the Aircraft Crew Member Badge an individual had to be on flying status in the case of crew chiefs, electronic sensor system operators, and flight engineers or as a non-crewmember in the case of observers, medical aidmen, gunners, aircraft maintenance supervisors, or technical inspectors.
 - c. Individuals were also required to be qualified based on a Class III physical examination and to hold a principal duty assignment as a crew chief, flight engineer, aircraft maintenance supervisor, observer, gunner, or technical inspector.
 - d. These personnel were authorized to wear the badge temporarily until relieved from those duties or they could be authorized permanent wear of the Aircraft Crew Member Badge once they fulfilled the regulatory requirements for permanent award of the badge.
 - e. For permanent award of the Aircraft Crew Member Badge, an individual must have performed in one of the duties specified above for not less than 12 months (not necessarily consecutive).
 - f. Must have been school trained for a principal duty specified above. Personnel who were precluded by incapacitation from further flight duty due to wounds sustained as a result of hostile action or injuries resulting from an aircraft accident for which they

were not personally responsible were entitled to permanent wear of the Aircraft Crew Member Badge.

g. Further, an individual who participated in at least 15 combat missions under probable exposure to enemy fire while serving in the principal duty of crew chief, flight engineer, aircraft maintenance supervisor, observer, gunner, or technical inspector was entitled to permanent award of the Aircraft Crew Member Badge.

4. AR 600-8-22 (Military Awards), currently in effect, prescribes Department of the Army policy, criteria, and administrative instructions concerning individual and unit military awards. In pertinent part:

a. Paragraph 8-14 (Aviation Badges) states:

(1) The three degrees of Aviation Badge authorized for award are — (a) Basic Aviation Badge (formerly Aircraft Crew Member Badge). (b) Senior Aviation Badge (formerly Senior Aircraft Crew Member Badge). (c) Master Aviation Badge (formerly Master Aircraft Crew Member Badge).

(2) The retroactive date for these badges is 1 January 1947.

(3) To be eligible for award of the Basic Aviation Badge, individuals must have met the minimum requirements for the permanent award of the Basic Aviation Badge and successfully complete formal advanced individual training and one of the following: "Aviation MOS 68 series from 31 December 1985 through 30 September 2003; MOS 93, 93C, and 93P after 31 December 1985; MOS 93B from 7 April 1983 through 1 January 1998; and MOS 93D from 7 April 1983 through 30 September 1996."

(4) Be on flying status in accordance with AR 600-106 (Flying Status for Nonrated Army Aviation Personnel) or granted a waiver by Commanding General (CG), U.S. Army Human Resource Command (HRC), or delegee and have performed aerial observer, crewmember, nonrated, or non-crewmember flying duties for not less than 12 months (not necessarily consecutive) or by logging not less than 48 flight hours (whichever comes first).

(5) Be on flying status in accordance with AR 600-106 or granted a waiver by the CG, HRC or delegee and assigned to a Joint Service Airborne Command Post, serving as a member of an operational team for no less than 12 months (not necessarily consecutive) or by logging not less than 48 flight hours (whichever comes first).

(6) Have been incapacitated from further flight duty by reason of being wounded as a result of enemy action or injured as the result of an aircraft accident for which they were not personally responsible or has participated in at least 15 combat missions

under probable exposure to enemy fire while on flying status in accordance with AR 600-106 and while serving in a valid paragraph and line number as coded in the Army Authorization Documents System.

b. Paragraph 2-21 (Korea Defense Service Medal) states, the Korea Defense Service Medal is authorized by Title 10, USC, section 7286, Title 10, USC, section 8308, and Title 10, USC, section 9286. It is award to Servicemembers of the Armed Forces of the United States who have served on active duty in support of the defense of the Republic of Korea. The Area of Eligibility (AOE) and period of eligibility are as follows: The AOE encompasses all land area of the Republic of Korea and the contiguous water out to 12 nautical miles and all airspaces above the land and water areas. The period of eligibility is 28 July 1954 to a date to be determined by the Secretary of Defense. Servicemembers must have been assigned, attached, or mobilized to units operating in the AOE for 30 consecutive or for 60 nonconsecutive days or meet other criteria.

(2) Servicemembers qualified for the Armed Forces Expeditionary Medal by reasons of service between 1 October 1966 and 30 June 1974 in an area for which the Korea Defense Service Medal was authorized subsequently are eligible for both the Armed Forces Expeditionary Medal and the Korea Defense Service Medal. Award of the Korea Defense Service Medal for this time period is a one-time exception to policy to comply with Public Law 107-314.

c. Chapter 4, Section I (Army Good Conduct Medal), paragraph 4-1 states, the Army Good Conduct Medal is awarded for exemplary behavior, efficiency, and fidelity in active Federal military service. It is awarded on a selective basis to each Soldier who distinguishes themselves from their fellow Soldiers by exemplary conduct, efficiency, and fidelity throughout a specified period of continuous enlisted active Federal military service, as outlined in this chapter. There is no right or entitlement to the medal until the immediate commander has approved the award and the award has been announced in Permanent Orders. Paragraph 4-5 (Qualifying periods of service for the Army Good Conduct Medal) states, in pertinent part, for first award only, the Army Good Conduct Medal qualifies to be awarded to an enlisted Soldier upon termination of service on or after 27 June 1950, of less than 3 years but more than 1 year. Subsequent awards must be for a completion of 3 years of continuous enlisted active Federal military service.

5. AR 635-5 (Personnel Separations - Separation Documents) in effect at the time prescribes the separation documents that will be furnished to each individual who is separated from the Army. The instructions for item 24 of the DD Form 214 state to enter from the DA Form 20 (Enlisted Qualification Record) all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

//NOTHING FOLLOWS//