

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 October 2024

DOCKET NUMBER: AR20240002982

APPLICANT REQUESTS: award of the Air Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- Permanent Orders 214-019 2 August 2011
- DA Form 7122-R (Crew Member Training Record)
- DA Form 7120-R (Commander's Task List)
- DA Form 2446 (Request for Orders) - Crewmember
- Permanent Orders 214-019
- DA Form 7120-1-R (Crew Member Task and Performance and Evaluation)
- Enlisted Record Brief
- Army Regulation 600-8-22 (Military Awards) – excerpt for Air Medal

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, 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 the Air Medal was never awarded and should be added due to his flight status in Afghanistan.

3. The applicant provides:

a. Permanent Order 214-019, issued by Task Force Thunder Regional Command South on 2 August 2011 placed the applicant on Crewmember status effective 26 July 2011.

b. DA Form 7122-R lists the applicant's assignment, training, and three days of flight hours. Additional notes indicated the applicant had no prior flight experience and the records were initiated for initial aircraft qualification.

c. A DA Form 7120-R dated 1 October 2011 shows listed the applicant's duty title as "Door Gunner," and outlined locations for authorized flight duties/stations.

d. A DA Form 2446 shows the commander initiated a request to terminate the applicant's crewmember duty effective 1 May 2012.

e. Permanent Order 236-006, dated 23 August 2012, terminated his crewmember status effective 1 May 2012.

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

a. He enlisted in the Regular Army on 17 October 2006 for 6 years. He completed training with award of the military occupational specialty 15T (UH-60 Helicopter Repairman). The highest grade he held was E-4.

b. On 18 June 2007, he was awarded the Aviation Badge (Basic) for completion of aviation training.

c. His Enlisted Record Brief shows he served in Afghanistan from 17 December 2008 to 13 December 2009 and again from 28 January 2011 to 15 January 2012.

d. Permanent Order 214-019, issued by Task Force Thunder Regional Command South on 2 August 2011 placed the applicant on Crewmember status effective 26 July 2011. Associated documentation shows he had no prior flight experience. His qualification training commenced 2 October 2011. The Commander's Task List provided does not indicate his flying-hour requirements.

e. Permanent Order 236-006, dated 23 August 2012, terminated his crewmember status effective 1 May 2012.

f. He was honorably released from active duty on 16 October 2012. His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he completed 6 years of active duty with no lost time. It also shows he was awarded or authorized:

- Army Commendation Medal
- Army Achievement Medal
- Army Good Conduct Medal
- National Defense Service Medal
- Afghanistan Campaign Medal with 3 campaign stars
- Global War on Terrorism Service Medal
- NATO Medal
- Army Service Ribbon

- Overseas Service Ribbon (2nd award)
- Basic Aviation Badge

5. By regulation (AR 600-8-22), the Air Medal is awarded in time of war for heroism and for meritorious achievement or service while participating in aerial flight. This award is primarily intended for personnel on flying status but may also be awarded to those personnel whose combat duties require them to fly; for example, personnel in the attack elements of units involved in air-land assaults against an armed enemy. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board determined that the record lacks sufficient documentation of flight hours to substantiate the applicant's eligibility for award of the Air Medal. In accordance with regulatory criteria, detailed records of flight operations are required to support such recognition. As the applicant's file lacked the necessary supporting evidence and recognizing that this Board is not an investigative body, the burden of proof rests solely with the applicant. In the absence of documentation meeting regulatory requirements, the Board concluded that the criteria for relief were not met and denied the request.

2. Per the regulatory guidance on awarding the Air Medal, the applicant must provide that the individual "met the required number of missions and hours for award of the Air Medal"; that "the individual has not caused, either directly or indirectly, an aircraft abort, late take-off, accident or incident"; and that the "individual's accomplishments and service throughout the period have reflected meritorious performance, with no instance of non-professionalism, mediocrity, or failure to display an aggressive spirit."

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:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.



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.

REFERENCES:

1. Title 10, U.S. Code, 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 600-8-22 (Military Awards) states the Air Medal is awarded in time of war for heroism and for meritorious achievement or service while participating in aerial flight. This award is primarily intended for personnel on flying status but may also be awarded to those personnel whose combat duties require them to fly; for example, personnel in the attack elements of units involved in air-land assaults against an armed enemy. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

//NOTHING FOLLOWS//