RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2010-03922

XXXXXXX COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His records be corrected to reflect that he was awarded the following awards and decorations:

1.  Air and Space Campaign Medal (ASCM).

2.  Air Force Expeditionary Service Ribbon (AFESR).

3.  Korean Defense Service Medal (KDSM) **(administratively corrected)**.

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APPLICANT CONTENDS THAT:

He is entitled to these decorations as they were approved after his discharge, but retroactively awarded for specific operations and service which he performed.

In support of his request, the applicant provides copies of his DD Form 214, *Certificate of Release or Discharge from Active Duty*, enlisted performance reports (EPR), contingency/exercise/ deployment (CED) orders, award certificates and orders, and documentation related to his disability discharge.

The applicant’s complete submission, with attachments, is at Exhibit A.

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STATEMENT OF FACTS:

The applicant’s military personnel records indicate he enlisted in the Regular Air Force on 30 May 91 and was progressively promoted to the grade of staff sergeant (E-5), effective and with a date of rank of 21 Nov 00. On 14 Jun 01, he was relieved from active duty and transferred to the temporary disability retired list (TDRL), effective 15 Jun 01, and was credited with 10 years and 15 days of total active service. On 5 Nov 02, he was removed from the TDRL and discharged with entitlement to disability severance pay.

On 1 Feb 10, AFPC/DPSIDR notified the applicant of their determination of his entitlement to the KDSM and their action to administratively correct his records.

The remaining relevant facts pertaining to this application are contained in the letter prepared by the appropriate office of the Air Force, which is attached at Exhibit C.

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AIR FORCE EVALUATION:

AFPC/DPSIDR recommends denial of the applicant’s request for the ASCM and AFESR, indicating there is no evidence of an error or injustice. The AFESR is awarded to Air Force members who complete a contingency deployment after 1 Oct 99. While the applicant did perform what would be a qualifying deployment to Taszar, Hungary, the deployment took place in 1996, well before the AFESR was established and eligibility was not made retroactive. The ASCM is awarded to Air Force members who, after 24 Mar 99, participated in, or directly supported, a significant US military operation designated by the Chief of Staff of the Air Force. The medal is awarded only to personnel who provided direct support of combat operations from outside the geographic area of operations as determined by the Joint Chiefs of Staff. Service members must be assigned or attached to a unit engaged in the operation and personnel must be engaged in direct support for at least 30 consecutive or 60 nonconsecutive days. If at home station, members must perform functions or missions that historically were deployed forward, or are entirely new or future missions, which due to technological advances, are no longer constrained by geographic location. This includes but is not limited to, sortie generation, intelligence, surveillance, targeting, computer network attack operations, etc. No documentation was located or provided to verify the applicant was deployed in direct support of Operation ALLIED FORCE. Additionally, the applicant was assigned normal duties in Turkey during this operation and therefore is not eligible for the ASCM under the provisions related to direct support from home station.

A complete copy of the AFPC/DPSIDR evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 18 Feb 11 for review and comment within 30 days. As of this date, no response has been received by this office (Exhibit D).

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THE BOARD CONCLUDES THAT:

1.  The applicant has exhausted all remedies provided by existing law or regulations.

2.  The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.

3.  Insufficient relevant evidence has been presented to demonstrate the existence of an error or injustice regarding the applicant’s request for the Air and Space Campaign Medal (ASCM) and Air Force Expeditionary Service Ribbon (AFESR). We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinion and recommendation of the Air Force office of primary responsibility (OPR) and adopt its rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice. We note the Air Force OPR has determined the applicant’s eligibility for the Korean Defense Service Medal (KDSM) and his records have been administratively corrected. Therefore, in the absence of evidence to the contrary, we find no basis for us to recommend granting the applicant’s remaining requests.

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THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of material error or injustice; the application was denied without a personal appearance; and the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

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The following members of the Board considered AFBCMR Docket Number BC-2010-03922 in Executive Session on 6 Jul 11, under the provisions of AFI 36-2603:

Mr. XXXXXXXXXXX, Panel Chair

Ms. XXXXXXXXXXX, Member

Dr. XXXXXXXXXXX, Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2010-03922 was considered:

Exhibit A.  DD Form 149, dated 2 Oct 10, w/atchs.

Exhibit B.  Applicant's Master Personnel Records.

Exhibit C.  Letter, AFPC/DPSIDR, dated 7 Feb 11.

Exhibit D.  Letter, SAF/MRBR, dated 18 Feb 11.

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Panel Chair