

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2012-00024
COUNSEL: NONE
HEARING DESIRED: NO

THE APPLICANT REQUESTS THAT:

She be awarded the Air Force Expeditionary Medal (AFEM).

THE APPLICANT CONTENDS THAT:

The Defense Authorization Act for FY1998 authorized veteran's preference to all military members who served on active duty during the qualifying period rather than those who served in the campaign area. She was on active duty during the period of eligibility: 2 August 1990 through 2 January 1992.

In support of her appeal, the applicant provides an excerpt of The Defense Authorization Act.

The applicant's complete submission, with attachment, is at Exhibit A.

STATEMENT OF FACTS:

The applicant served in the Air Force from 9 May 1977 until 31 August 1998, when she retired.

The other relevant facts pertaining to this case are contained in the Air Force advisory. Accordingly, there is no need to recite these facts in this Record of Proceedings.

THE AIR FORCE EVALUATION:

AFPC/DPSIDR recommends denial. The AFEM is awarded to members of the United States Armed Forces who, after 1 July 1958 participated in a US military operation and encountered foreign armed opposition, or were in danger of hostile action by foreign Armed Forces. The AFEM was not authorized for the period of 2 August 1990 to 2 January 1992. Therefore, the applicant is not eligible for the award of the AFEM.

The applicant provided a print-out outlining the pertinent points of the Defense Authorization Act for FY1998. The outline explains that veteran's preference was extended to members on active duty during the Gulf War from 2 August 1990 to 2 January 1992. There is no provision expanding the criteria for the AFEM to include all those on active duty during that period.

The applicant has not provided evidence to substantiate the award of the AFEM.

The complete DPSIDR evaluation is at Exhibit C.

APPLICANT'S REVIEW OF THE AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 24 February 2012, for review and comment within 30 days. As of this date, no response has been received by this office (Exhibit D).

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 error or injustice. We took notice of the applicant's complete submission and the available evidence of record in judging the merits of the case. However, we are not persuaded, based upon the evidence presented, of her entitlement to award of the Armed Forces Expeditionary Medal. Therefore, we agree with the opinion and recommendation of the Air Force office of primary responsibility and adopt its rationale as the basis of our conclusion that the applicant has not met the established criteria for entitlement to the requested award. In the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.

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.

The Board considered Docket Number BC-2012-00024 in Executive Session on 7 June 2012, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 8 Dec 11, w/atchs.
- Exhibit B. Letter, AFPC/DPSIDR, dated 15 Feb 12.
- Exhibit C. Letter, SAF/MRBR, dated 24 Feb 12.

Panel Chair