

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01320
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His Meritorious Service Medal (MSM) awarded for meritorious service for the period 27 Oct 05 to 15 Mar 06 be upgraded to a Bronze Star Medal (BSM).

APPLICANT CONTENDS THAT:

1. His first deployment as a senior noncommissioned officer (SNCO) was to an actual conflict versus his previous deployments in support of the Operation SOUTHERN WATCH cease-fire.

2. AFI 36-2803, *The Air Force Awards and Decorations Program*, table 2.1, note 2, clearly supports a BSM for the citation written; whereas, note 1.4 clearly states "noncombat" for a MSM.

3. He can only surmise why the award was not originally a BSM. It could have been that his immediate commander was an Air National Guard (ANG) lieutenant colonel (Lt Col) with no combat award experience. He hopes this was not done intentionally to prevent him from receiving the appropriate recognition.

4. It was an unknown common practice for deployed SNCOs to receive BSMS for deployment to combat area of responsibilities (AORs). It was not until he heard of similar situations where BSMS were awarded that made him question the recognition he received.

In support of his request, the applicant provides a personal statement, copies of his MSM citation, and an excerpt from AFI 36-2803.

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

STATEMENT OF FACTS:

The applicant is currently serving on active duty in the grade of chief master sergeant.

The MSM was established by Executive Order 11448 on 16 Jan 69. This award may be awarded to any member of the Armed Forces of the United States who distinguished themselves by either outstanding achievement or meritorious service to the United States. The level of achievement or service is less than that required for the Legion of Merit (LOM).

AFI 36-2803, note 14, table 2.1 states the MSM is awarded for outstanding noncombat meritorious achievement or service.

The BSM recognizes acts of heroism performed in ground combat if they are of lesser degree than that required for the Silver Star. It also recognizes single acts of merit and meritorious service if the achievement or service is of a lesser degree than that deemed worthy of the LOM; but such service must have been accomplished with distinction.

AFI 36-2803, note 2, table 2.1 states the BSM is awarded for service while engaged in military operations involving conflict with an opposing foreign force.

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.

AIR FORCE EVALUATION:

AFPC/DPSIDR states the Board needs to consider the merits of the applicant's request for upgrade of the MSM to BSM. DPSIDR states the applicant has not exhausted his administrative channels for relief in accordance with (IAW) Title 10, United States Code 1130. Service members may make a case for award consideration not previously eligible because of time limits prescribed by law or policy, by submitting a recommendation made by someone other than the member themselves, in the member's chain of command at the time of the incident, who has firsthand knowledge of the acts or achievements, and referred through a congressional member. The recommendation should be accompanied by eyewitness statements, attesting to the act(s), sworn affidavits, certificates, and any other related documentation.

The complete DPSIDR evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant states the Air Force advisory opinion contains a misleading fact which may negatively influence the opinion: "The applicant has not exhausted his administrative channels for relief IAW Title 10, USC 1130." First, when he discussed the situation with the 802 Force Support Squadron, he was informed

that it had been more than three years since the achievement; therefore, he needed to request a correction to his records.

Secondly, he did not see any reference to this in AFI 36-2603, *Air Force Board for Correction of Military Records*, other than the broad statement of: "Exhaust all other available administrative remedies (otherwise the Board may return the request without considering it)." He admits that he did not review Title 10 nor did he attempt to contact his leadership for the period of the deployment. Lastly, to go outside of the Air Force process seems counter intuitive since he is still on active duty.

The applicant's complete submission is at Exhibit E.

ADDITIONAL AIR FORCE EVALUATION:

SAF/MRBP recommends that the decision not be overturned. MRBP states the MSM was the more appropriate decoration for the applicant's period of service.

The Air Force Decorations Board contacted the USCENTAF Decorations Board to determine which decoration the applicant had been submitted for the period in question. Based on their official decorations board records, the applicant was submitted for the BSM and the USCENTAF Decorations Board downgraded the decoration to the MSM as it did not meet the criteria for award of the BSM.

The applicant was appropriately awarded the MSM by a properly constituted USCENTAF decorations board. He did not provide any compelling evidence that the USCENTAF Decorations Board was unaware of the criteria for the BSM when it downgraded the submission.

The complete MRBP evaluation is at Exhibit F.

APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 16 Aug 12 for review and comment within 30 days (Exhibit G). As of this date, this office has not received a response.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Insufficient relevant evidence has been presented to demonstrate the existence of error or injustice. 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 SAF/MRBP and adopt its rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice. Therefore, 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 that the evidence presented did not demonstrate the existence of material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered Docket Number BC-2012-01320 in Executive Session on 23 Sep 12, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Forms 149, dated 5 Apr 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSIDR, dated 9 May 12.
- Exhibit D. Letter, SAF/MRBR, dated 18 May 12.
- Exhibit E. Letter, Applicant, dated 30 May 12.
- Exhibit F. Letter, SAF/MRBP, dated 14 Aug 12.
- Exhibit G. Letter, SAF/MRBC, Letter, dated 16 Aug 12.

Panel Chair