

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00276

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His record be corrected to reflect award of the Meritorious Service Medal (MSM), second Oak Leaf Cluster (OLC).

APPLICANT CONTENDS THAT:

The MSM (2OLC) was issued after his retirement. He was awarded the MSM for his accomplishments for the following periods 6 Jul 97-7 Nov 00, 25 Nov 00-1 May 04, and 25 Nov 00-30 Apr 04.

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

STATEMENT OF FACTS:

The applicant contracted his initial enlistment in the Regular Air Force on 20 Nov 80. He was released from active duty on 30 Apr 04, and retired on 1 May 04. He was credited with 23 years, 5 months, and 11 days of active service. The applicant's DD Form 214 reflects he was awarded the MSM w/1OLC.

The remaining relevant facts pertaining to this application are contained in the letter prepared by the appropriate offices of the Air Force which are attached at Exhibits C and D.

AIR FORCE EVALUATION:

AFPC/DPSID recommends denial indicating there is no evidence of an error or an injustice. While the applicant's records contain documentation indicating that he was awarded the MSM twice (basic award and first OLC), the certificate provided by the applicant, closing 1 May 04, does not appear to have been officially awarded and is not a valid entitlement as it closes out after his last day on active duty. Additionally, the inclusive period of this certificate overlaps with the period for which his MSM (1OLC) was awarded. To validate the proposed MSM certificate closing

1 May 04 would be a violation of policy on dual recognition. The applicant's DD Form 214 is annotated correctly with award of the MSM w/1OLC.

The complete AFPC/DPSID evaluation is at Exhibit C.

SAF/MRBP recommends denial of the applicant's request for award of the MSM (2OLC) indicating there is no evidence of an error or an injustice. The undated MSM certificate for the period 25 Nov 00 to 1 May 04 appears to be an unofficial document and is not updated in the applicant's records. However, the MSM certificate for the 25 Nov 00 to 30 Apr 04, dated 16 Dec 04, appears to be an official document with an accompanying SO dated 17 Dec 04; therefore this MSM should be his first OLC award. The applicant's record should be updated with the MSM First Oak Leaf Cluster certificate for the period 25 Nov 00 to 30 Apr 04, dated 16 Dec 04, and is supported by an accompanying SO dated 17 Dec 04.

The complete SAF/MRBP evaluation is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 17 Sep 12, for review and comment within 30 days (Exhibit E). As of this date, no response has been received by this office.

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 an injustice. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinions and recommendations of the Air Force offices of primary responsibility and adopt their rationale for our conclusion the applicant has not been the victim of an error or injustice. While the applicant has provided a signed MSM certificate in support of his request, said certificate reflects an inclusive period that closes after his service and overlaps with the inclusive period of his MSM (1OLC). 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 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 following members of the Board considered AFBCMR Docket Number BC-2012-00276 in Executive Session on 12 Mar 13, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 15 Jan 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSID, dated 7 Aug 12.
- Exhibit D. Letter, SAF/MRBP, dated 20 Sep 12.
- Exhibit E. Letter, SAF/MRBR, dated 25 Sep 12.

Panel Chair