

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01034  
COUNSEL: NONE  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His previously awarded Air Force Commendation Medal (AFCM) be upgraded to the Airman's Medal (AmnM).

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APPLICANT CONTENDS THAT:

Due to the mismanagement and excessive delays of the awards processing within his former unit, the AmnM was denied for himself and two other airmen for their heroic actions.

He recently discovered he could apply for relief through the AFBCMR.

In Dec 1998, he and two other airmen were on temporary duty (TDY) as crew chiefs. While performing flight inspections on two aircraft, they noticed a German police helicopter flying during a heavy snowstorm. The helicopter went into a hover approximately 70 yards from their position and plunged 50 feet to the ground.

Immediately after hitting the ground the aircraft started to break apart throwing debris in all directions. The main rotor blades disintegrated and several pieces came very close to hitting their aircraft.

They made their way to the wreckage and immediately determined the seriousness of the event. The engines were still winding down and they could hear the igniters firing. He saw that there was a great deal of fuel spilling from the fuselage and knew the potential for flash fire was highly likely. He also knew that getting the aircrew out of the wreckage was paramount. They removed the side access door and moved several pieces of equipment out of their way. They found a passenger in the rear of the helicopter who had obvious back injuries, as well as the pilot and copilot who were still in their seats. Both pilots were pinned underneath the aircraft's instrument panel. After a few minutes, the engines shut down completely and all electrical power seemed to be off. Because of the foregoing factors and the ongoing snowstorm, they decided to keep the victims immobilized inside the wreckage and wait for emergency crews who arrived at the scene about five minutes later and took over the rescue operation.

Communication was difficult because of the language barrier and they were never officially interviewed as part of an accident investigation board.

A newspaper article about the crash mentioned that airfield personnel assisted with the crash but they were not identified as U.S. Air Force personnel. The language barrier and the fact that they left from their TDY location shortly after the crash could explain why their role in the rescue was not recorded accurately in German newspapers.

The entire incident was over in less than 20 minutes. They later learned that all three of the aircrew survived the crash.

When they returned from their TDY, a load master who was at the airfield on the day of the crash was pursuing the AmnM for him and the other two airmen involved.

Six months after the crash, he began asking questions about the medals and discovered that although the citations were written for the AmnM, the process was never completed by the squadron they were assigned to.

One year after the crash, a new superintendent arrived who questioned them about the events surrounding the crash and AmnM submissions. He learned the AmnM could no longer be processed because the policy at the time was that medals involving heroism/volunteer risk of life had to be initiated within 60 days of the event.

The superintendent believed they deserved some kind of recognition for their heroism and decided to pursue the AFCM for "acts of courage" because it could be approved at the group level.

In support of his request, the applicant provides a personal statement, copies of electronic communiqués, witness statements, approved citations, photographs and newspaper articles.

His complete submission, with attachments, is at Exhibit A.

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#### STATEMENT OF FACTS:

The applicant is currently serving in the Regular Air Force in the grade of senior master sergeant (SMSgt, E-8).

The AmnM is awarded to members of the Armed Forces of the United States or foreign military personnel who, while serving in any capacity with the US Air Force, distinguish themselves by heroism involving voluntary risk of life under conditions other than those of actual conflict with an enemy.

In accordance with AFI 36-2803, *The Air Force Awards and Decorations Program*, the Secretary of the Air Force Personnel Council (SAFPC) approves or disapproves recommendations for each decoration or unit award requiring SAF approval. SAFPC determines upon approval, entitlement to 10 percent increase in retirement pay for the Silver Star (SS), the Distinguished Flying Cross (DFC), and the AmnM when awarded to enlisted members for extraordinary heroism.

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#### AIR FORCE EVALUATION:

AFPC/DPSIDRA recommends denial. DPSIDRA states the applicant's actions on 7 Dec 1998, although commendable, do not appear to meet the criteria for award of the AmnM. He has exhausted all administrative channels. According to email traffic dated 5 Sep 2011, the current approval authority, the 352<sup>nd</sup> Special Operations Group, stated "As there is no way to verify/validate the assertion that [the applicant] was deserving of an AmnM and his group commander at the time provided him an AFCM for the act of courage. I don't see how I can rationally override [the former group commander's] decision 13 years later."

The complete DPSIDRA evaluation is at Exhibit C.

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#### APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The strongest evidence that can be found is in one of the approved citations. The phrase "voluntary risk of life," was not taken out of his citation when the AmnM was re-written as an AFCM. This oversight confirms that the original decision was to pursue the AmnM, but the awards process was mishandled.

The delay between the actual event and when the AFCM was actually approved shows a failure in processing the AmnM. He presented a time line of events that took place over a period of one and one half years that delayed the submission of the AmnM. By the time the process was fixed, the AmnM could no longer be submitted because of submission policy restrictions. Due to this delay the commander's only recourse was to award him the AFCM. The OPR concluded that their actions on 7 Dec 1998, did not appear to meet the criteria for the award of AmnM. He respectfully disagrees with this evaluation and does not understand how crawling into the wreckage of a helicopter with fuel spilling, engines winding down, and the risk of explosion at any moment not be characterized as "voluntary risk of life" and therefore constitute the award of AmnM. He and the other airmen involved displayed extraordinary heroism that day by putting their lives in danger and there are three German aircrew members alive because of it.

His complete response is at Exhibit E.

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ADDITIONAL AIR FORCE EVALUATION:

SAFPC recommends denial. SAFPC states the applicant claims an injustice occurred due to the delayed processing of the decoration nomination that resulted in the award of the AFCM, However, there is no documentation to verify an injustice occurred.

The complete SAFPC evaluation is at Exhibit G.

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APPLICANT'S REVIEW OF THE ADDITIONAL AIR FORCE EVALUATION:

Both advisory opinions have referenced the current commander's negative response to upgrade the AmnM because he did not want to override the previous commander's decision. The injustice did not occur at the group level, but at the squadron level. The medal was written as an AmnM, but due to his squadron's failure to process the decoration within a specific timeframe, the AmnM medal could no longer be pursued.

Had the squadron followed through with the AmnM processing, the former commander would have seen and approved the awards. The AmnM packages were never forwarded to the group level because of the squadron's failure; therefore the AmnM was never afforded to him in accordance with the regulations at the time of the injustice. He has offered evidence that points to the original intentions of the people involved with the incident to pursue the AmnM. He has also presented evidence (attached e-mail) stating the original awards process was mishandled.

The loadmaster who originally submitted the AmnM has provided a memorandum dated 12 Dec 2012. This memo is exactly the evidence required to prove that the AmnM was originally pursued and the injustice that occurred during its processing. The medal citations and justification letters were turned over to his squadron for processing and that is where the injustice occurred.

The approved citations confirm he and his fellow crew members voluntarily put their lives in danger. One of the approved citations actually states "voluntary risk of life," which is what all of their original citations read before citations were changed to the AFCM for "acts of courage." The AFI states that the AmnM will not be awarded for "normal performance of duties." Rushing to the scene of a possible aircraft explosion is anything but normal.

He does not believe his squadron's failure to process their original AmnM was malicious; however, that does not change the fact that an injustice did occur.

His complete response, with attachment, is at Exhibit F.

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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 timely filed.
3. Insufficient relevant evidence has been presented to demonstrate the existence of error or injustice. After a thorough review of the available evidence, we are not persuaded the award of the AmnM is warranted. While the email from the former loadmaster who initially submitted the AmnM is duly noted, we do not find it sufficiently persuasive to override the rationale provided by the Air Force Offices of primary responsibility (OPRs). The Board acknowledges the act of courage and personal sacrifices of the applicant on 7 Dec 1998; however, we believe his commander acted within his authority and purview in determining the AFCM was the most appropriate award for his efforts at that time, rather than the AmnM. While we note the administrative delay in processing his award, we do not find any evidence that would convince us to conclude that he was entitled to a higher level award. While we are not unmindful or unappreciative of the applicant's service to our Nation, we do believe his commander's decision to award the AFCM was not an error or injustice and therefore, find no reason that the decision should be disturbed. Therefore, we agree with the opinions and recommendations of the Air Force OPRs and adopt their rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice. In the absence of persuasive evidence to the contrary, we find no basis to recommend granting the relief sought in this application.

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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.

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The following members of the Board considered in Docket number BC-2012-01034 in Executive Session on 15 Jan 2013, under the provisions of AFI 36-2603:

, Panel Chair  
, Member  
, Member

The following documentary evidence was considered in AFBCMR BC-2012-01034:

Exhibit A. DD Form 149, dated 15 Mar 2012, w/atchs.  
Exhibit B. Applicant's Master Personnel Records.  
Exhibit C. Letter, HQ AFPC/DPSIDRA, dated 26 Apr 2012.  
Exhibit D. Letter, Letter, SAF/MRBR, dated 11 May 2012.  
Exhibit E. Rebuttal, Applicant, dated 21 May 2012.  
Exhibit F. Letter, SAFPC, dated 27 Nov 2012.  
Exhibit G. Letter, SAF/MRBC, dated 29 Nov 2012.  
Exhibit H. Letter, Applicant, dated 12 Dec 2012, w/atch.

Panel Chair