

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NO: 98-00656

AUG 21 1998

[REDACTED]  
[REDACTED]  
COUNSEL: NONE

HEARING DESIRED: YES

Applicant requests that he be awarded the Distinguished Flying Cross, Fourth Oak Leaf Cluster (DFC, 4 OLC). Applicant's submission is at Exhibit A.

The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit C). The applicant provided a response, with additional documentation (Exhibit E). The appropriate Air Force office reviewed the additional documentation and provided another advisory opinion to the Board recommending denial of the application (Exhibit F). The advisory opinion was forwarded to the applicant for review and response (Exhibit G). As of this date, no response has been received by this office.

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

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinion appear to be based on the evidence of record and have not been adequately rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issue(s) involved. Therefore, the request for a hearing is not favorably considered.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Mr. Thomas S. Markiewicz, Mr. Henry Romo Jr., and Mr. Walter J. Hosey, considered this application on

19 August 1998, in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.

  
THOMAS CHAIMARKIEWICZ

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinion
- D. AFBCMR Ltr Forwarding Advisory Opinion
- E. Applicant's Response
- F. Advisory Opinion
- G. AFBCMR Ltr Forwarding Advisory Opinion



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR FORCE PERSONNEL CENTER  
RANDOLPH AIR FORCE BASE TEXAS

MEMORANDUM FOR AFBCMR

17 March 1998

FROM: HQ AFPC/DPPRA  
550 C Street West Ste 12  
Randolph AFB TX 78150-4714

SUBJECT: Application for Correction of ~~May~~ Records (DD Form 149)  
[REDACTED]

1. REQUESTED ACTION. Applicant requests:

- a. Award of a fourth oak leaf cluster to the Distinguished Flying Cross (DFC).
- b. Addition of the first oak leaf cluster to the Legion of Merit to his DD Form 214.

2. BASIS FOR REQUEST. Applicant submitted documentation reflecting the fourth oak leaf cluster to the DFC was submitted on 27 Jul 70.

3. FACTS.

a. Applicant's records contain a DD Form 215, dated 28 Aug 80, adding the Legion of Merit with 1 Oak Leaf Cluster to his DD Form 214. Since this is no longer an issue, it will not be discussed further.

b. 435<sup>th</sup> Tactical Fighter Squadron Awards and Decorations Information form lists, among the applicant's pending awards:

DFC, 20LC for 19 Apr 70, submitted 1 May 70  
AM, 3-70LC for 23 Jul-22 May 70, submitted 8 Jun 70  
DFC, 30LC for 19 Jun 70, submitted 12 Jul 70  
AM, 8-100LC for 23 Mar-14 Jul 70, submitted 20 Jul 70  
DFC, 40LC for 19 Jul 70, submitted 27 Jul 70  
AM, 110LC for 15-27 Jul 70, submitted 28 Jul 70

c. Applicant received the second oak leaf cluster to the DFC for 19 Apr 70 (as submitted) per HQ 7<sup>th</sup> AF SOG-3339/23 Jul 70. He received the third oak leaf cluster to the DFC for 19 Jul 70, per HQ 7<sup>th</sup> AF SOG-3599/15 Dec 71. He received the 13<sup>th</sup> oak leaf cluster to the Air Medal for 25 Jul 70, per HQ 7<sup>th</sup> AF SOG-0147/15 Jan 72.

4. DISCUSSION. It appears that the recommendation for the third oak leaf cluster to the DFC for 19 Jun 70 was disapproved, and the recommendation for the fourth oak leaf cluster for 19 Jul 70 was then awarded **as** the third **oak** leaf cluster. **Since** orders for additional oak leaf clusters to the Air Medal were published **at** later dates (1971, 1972), it does not seem that HQ 7<sup>th</sup> AF made any errors in the decorations to the applicant, especially **since** the 13\* **oak** leaf cluster to **the Air Medal** was for the period 25 Jul 70, **and** the order was published 15 Jan 72. Awarded the fourth **oak** leaf cluster for 19 Jul 70, when he already **has** received a decoration for that **date**, would be more than dual recognition, it would be a repetitive recognition by giving the same decoration for **the same** act two times. Applicant **has** received **all** the awards **and** decorations which were approved, **and** all **are** correctly listed on his DD **Form** 214 and DD **Form** 215.

5. RECOMMENDATION.

**We** recommend disapproval of the applicant's request to be awarded the fourth **oak** leaf cluster to the Distinguished Flying Cross.

FOR THE COMMANDER



GEORGIA A. WISE, DAFC  
Recognition Programs Branch  
Promotions, Eval & Recognition Div