

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-01348

COUNSEL: None

AUG 28 1998

HEARING DESIRED: No

APPLICANT REQUESTS THAT:

His late brother's DD Form 214, Certificate of Release or Discharge from Active Duty, be corrected to reflect award of the Air Force Overseas Short Tour Ribbon, Air Force Training Ribbon, Air Force Longevity Service Award, and any other Air Force awards to which the applicant may be entitled.

APPLICANT CONTENDS THAT:

The reasons the applicant believes the records to be in error or unjust and the evidence submitted in support of the appeal is at Exhibit A.

STATEMENT OF FACTS:

The relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the letter prepared by the appropriate office of the Air Force. Accordingly, there is no need to recite these facts in this Record of Proceedings.

AIR FORCE EVALUATION:

The Recognition Programs Branch, Promotions, Eval & Recognition Div, AFPC/DPPPRA, reviewed the application and states the deceased member is eligible for and entitled to the Air Force Overseas Short Tour Ribbon and Air Force Training Ribbon. These awards should be added to his DD Form 214. Since the deceased member did not serve a total of or aggregate of four years as of 1 July 1981, he is not eligible for or entitled to the Air Force Longevity Service Award. The applicant's records do not contain sufficient information that would lead them to believe he would

have been recommended for a decoration, whether because of permanent change of station (PCS) or any other reason; his Enlisted Performance Reports would not support such a recommendation. Since a commander's Letter of Denial of the Air Force Good Conduct Medal is dated 24 July 1979, the applicant is not eligible for or entitled to the Air Force Good Conduct Medal. Apparently, this letter was withdrawn from the applicant's paper records, but it is still on his microfiche records. They recommend the applicant's DD Form 214 be corrected by adding the Air Force Overseas Short Tour Ribbon and Air Force Training Ribbon. They recommend the deceased member's DD Form 214 be corrected by deleting the Air Force Good Conduct Medal.

A complete copy of the Air Force evaluation is attached at Exhibit C.

The Senior Attorney-Advisor, AFPC/JA, reviewed the application and states that they concur, in part, with the advisory by HQ AFPC/DPPPA. The deceased member's records and service dates clearly reflect he served during a time period when the Air Force Training Ribbon was authorized and that he met the requirements for the award of that ribbon. His records also reflect that he served an overseas short tour which qualified him for the award of the Air Force Overseas Short Tour Ribbon. Thus, they concur with AFPC/DPPRA in recommending that the deceased member's DD Form 214 be amended to reflect the award of these ribbons. They also concur with AFPC/DPPRA's determination that the deceased member did not meet the requirements for the Air Force Longevity of Service Award. That award requires four years of service and the deceased member clearly separated from the Air Force prior to completion of four years of service. While they agree with AFPC/DPPRA that it is probable the deceased member did not receive an Air Force Good Conduct Medal, they cannot concur in AFPC/DPPRA's recommendation that the entry be removed from his DD Form 214. In analyzing this issue, they must start with the proposition that the entries on the DD Form 214 should be presumed correct. Had the deceased member, in fact, been denied the Air Force Good Conduct Medal, the 24 July 1979 letter should have been in both the microfiche of his records and in the original records. Yet, the letter was not in the original records. For some unknown reason, the letter was removed from his original records by some unknown individual after the microfiche was processed. That individual could have been the commander that issued the letter (in an attempt to rescind it), in which case, the microfiche should have been updated; the deceased member himself; or anyone who has handled his records since 24 July 1979. Because they have no way of determining who removed the letter, and because the DD Form 214 is presumed correct, they do not concur in the recommendation to remove the annotation that the member received the Air Force Good Conduct Medal. There is no evidence in the deceased member's military

records that he was ever recommended for any other award or decoration. They recommend that the deceased member's records be updated to reflect award of the Air Force Training Ribbon and the Air Force Overseas Short Tour Ribbon, in addition to the awards and decorations already listed in block 13 of his DD Form 214.

A complete copy of the Air Force evaluation is attached at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A complete copy of the Air Force evaluation was forwarded to the applicant on 6 July 1998, for review and response. 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. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice warranting awarding the Air Force Overseas Short Tour Ribbon and Air Force Training Ribbon. The Air Force states that the deceased member is eligible for and entitled to the Air Force Overseas Short Tour Ribbon and Air Force Training Ribbon. Therefore, we recommend these awards be added to the deceased member's DD Form 214.
4. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice warranting awarding the Air Force Longevity Service Award or any other Air Force awards. After reviewing the evidence of record, we agree with the opinion and recommendation of the Air Force and adopt their rationale as the basis for our conclusion. In this respect, we note that the deceased member did not meet the requirements for the Air Force Longevity Service Award. This award requires four years of service and the deceased member separated from the Air Force prior to completion of four years of service. In regard to the request for any other Air Force awards, there is no evidence in the deceased member's military records that he was ever recommended for any other awards or decorations. Therefore, in the absence of evidence to the contrary, we find no basis upon which to grant this portion of the application.

5. In regard to the Air Force Good Conduct Medal reflected on the deceased member's DD Form 214, the Board is in agreement with AFPC/JA that this medal should not be removed from his DD Form 214. In this respect, we note that the Letter of Denial of the Air Force Good Conduct Medal, dated 24 July 1979, had been removed from the deceased member's original records by an unknown individual, possibly the commander that issued the letter in an attempt to rescind it, the deceased member himself, or anyone who had access to his records. Therefore, because we have no way of determining who removed the letter, and because the DD Form 214 is presumed correct, we do not believe the Air Force Good Conduct Medal annotation should be removed from his DD Form 214.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that his DD Form 214, Certificate of Release or Discharge from Active Duty, Block 13, be amended by adding the award of the Air Force Training Ribbon and the Air Force Overseas Short Tour Ribbon.

The following members of the Board considered this application in Executive Session on 19 August 1998, under the provisions of AFI 36-2603:

Mr. Thomas S. Markiewicz, Panel Chairman
 Mr. Walter J. Hosey, Member
 Mr. Henry Romo, Jr., Member
 Gloria J. Williams, Examiner (without vote)

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 8 May 98, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPRA, dated 1 Jun 98.
- Exhibit D. Letter, AFPC/JA, dated 22 Jun 98.
- Exhibit D. Letter, AFBCMR, dated 6 Jul 98.


 THOMAS S. MARKIEWICZ
 Panel Chair



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNELCENTER
RANDOLPH AIR FORCE BASE TEXAS

MEMORANDUM FOR AFPC/JA
AFBCMR

1 June 1998

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

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

1. REQUESTED ACTION. Applicant is the brother of the above-listed veteran. However, the veteran will be referred to throughout this Advisory as "applicant" for clarity. Applicant's brother requests correction to the applicant's DD Form 214 to reflect award of the Air Force Overseas Short Tour Ribbon, Air Force Training Ribbon, Air Force Longevity Service Award, and any other Air Force awards to which the applicant might be entitled.

2. BASIS FOR REQUEST. Applicant's records.

3. FACTS.

a. Applicant served on Active Duty 18 Jul 77-1 Jul 81, about 17 Apr 80-16 Apr 81 (based on his Enlisted Performance Report), and his DD Form 214 reflects award of the Air Force Outstanding Unit Award and Air Force Good Conduct Medal.

b. The Air Force Overseas Short Tour Ribbon and Air Force Training Ribbon were established 12 Oct 80, prior to the applicant's discharge. Therefore, he is entitled to these two awards.

c. Applicant did not serve four years on Active Duty or an aggregate of four years in the Reserves and on Active Duty prior to his discharge on 1 Jul 81. Therefore, he is not eligible for the Air Force Longevity Service Award as of 1 Jul 81.

d. There is no indication the applicant was recommended for or awarded any decoration during his Active Duty. His Enlisted Performance Reports do not support an assumption that he would have been recommended for a decoration during any of his assignments.

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e. Applicant's DD Form 214 reflects award of the Air Force Good Conduct Medal; however, there is a commander's denial letter dated 24 Jul 79, and the applicant received an Article 15 in Dec 77 for disobeying a lawful order. Since the applicant did not have a total of three years' exemplary service while on Active Duty, he is not eligible for the Air Force Good Conduct Medal, and this entry should be deleted.

4. DISCUSSION. Applicant is eligible for and entitled to the Air Force Overseas Short Tour Ribbon and Air Force Training Ribbon. These awards should be added to his DD Form 214. Since the applicant did not serve a total of or aggregate of four years as of 1 Jul 81, he is not eligible for or entitled to the Air Force Longevity Service Award. The applicant's records do not contain sufficient information that would lead us to believe he would have been recommended for a decoration, whether because of permanent change of station (PCS) or any other reason; his Enlisted Performance Reports would not support such a recommendation. Since a commander's Letter of Denial of the Air Force Good Conduct Medal is dated 24 Jul 79, the applicant is not eligible for or entitled to the Air Force Good Conduct Medal. Apparently, this letter was withdrawn from the applicant's paper records, but it is still on his microfiche records.

5. RECOMMENDATION.

a. We recommend the applicant's DD Form 214 be corrected by adding the Air Force Overseas Short Tour Ribbon and Air Force Training Ribbon.

b. We recommend the applicant's DD Form 214 be corrected by deleting the Air Force Good Conduct Medal.

FOR THE COMMANDER



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



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

22 June 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/JA (Major Reed)
550 C Street West Ste 44
Randolph AFB TX 78150-4746

SUBJECT: Application for Correction of Military Records - [REDACTED]

Applicant is the brother of a deceased service member who believes his brother's military records are incorrect in that they do not include all of his awards and decorations. The deceased member served one enlistment beginning 18 Jul 77 and ending 1 Jul 81 (3 years, 11 months, and 14 days). The deceased member was discharged honorably upon return from an overseas short-tour. His DD Form 214 reflects that he received the Air Force Outstanding Unit Award and the Air Force Good Conduct Medal. There is a letter dated 24 Jul 79, from 4392 CES/CCQ, in the microfiche copy of the member's service records, which appears to have denied him award of the Air Force Good Conduct Medal. If that document is correct, it would appear that the entry on the member's DD Form 214 reflecting award of an Air Force Good Conduct Medal may be in error.

Having reviewed this request for correction of military records, we concur, in part, with the advisory by HQ AFPC/DPPRA. The former member's records and service dates clearly reflect that he served during a time period when the Air Force Training Ribbon was authorized and that he met the requirements for the award of that ribbon. His records also reflect that he served an overseas short tour which qualified him for the award of the Air Force Overseas Short Tour Ribbon. Thus, we concur with DPPRA in recommending that the former member's DD Form 214 be amended to reflect the award of these ribbons. We also concur with DPPRA's determination that the deceased member didn't meet the requirements for the Air Force Longevity of Service Award. That award requires four years of service and this former member clearly separated from the Air Force prior to completion of four years of service.

DPPRA concludes from the presence of the letter dated 24 Jul 79, that applicant never received the Air Force Good Conduct Medal and *that* the entry **in block 13** of the member's 214 was in error. While we agree that it is probable the deceased member did not receive **an** Air Force Good Conduct Medal, we can't concur in DPPRA's recommendation that the entry be removed from his DD Form 214. In analyzing this issue, we must start with the proposition that the entries on the DD Form 214 should be presumed correct. Had the deceased member in fact been denied the Air Force Good Conduct Medal, the 24 Jul 79 letter should have been in both the

microfiche of his records and in the original records. Yet, the letter was not in the original records. For some unknown reason, the letter was removed from his original records by some unknown individual after the microfiche was processed. That individual could have been the commander that issued the letter (in an attempt to rescind it), in which case, the microfiche should have been updated; the member himself; or anyone who has handled his records since 24 Jul 79. Because we have no way of determining who removed the letter, and because the DD Form 214 is presumed correct, we do not concur in the recommendation to remove the annotation that the member received the Air Force Good Conduct Medal.

There is no evidence in the former member's military records that he was ever recommended for any other award or decoration.

We recommend that the deceased member's records be updated to reflect award of the Air Force Training Ribbon and the Air Force Overseas Short Tour Ribbon, in addition to the awards and decorations already listed in block 13 of his DD Form 214.



WILLARD K. LOCKWOOD
Senior Attorney-Advisor



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DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

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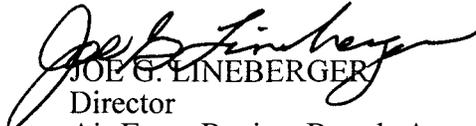
Office of the Assistant Secretary

AFBCMR 98-01348

MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED] be corrected to show that the DD Form 214, Certificate of Release or Discharge From Active Duty, issued on 14 July 1981, Block 13, be amended by adding the Air Force Overseas Short Tour Ribbon and Air Force Training Ribbon.


JOE G. LINEBERGER
Director
Air Force Review Boards Agency