

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2018-02021

XXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

His DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, effective 9 April 1970, Item 24 (*Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized*) be amended to reflect the following awards:

- a. Presidential Unit Citation.
- b. Air Force Outstanding Unit Award with Valor
- c. Republic of Vietnam Gallantry Cross with Palm (**Administratively Corrected**)

### APPLICANT'S CONTENTIONS

He served with the XXX in XXX from July 1967 to September 1969. The contested awards are authorized for veterans that served in that unit during that time.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is an honorably released Air Force sergeant (E-4).

On 10 June 1966, according to DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, the applicant entered active duty for a period of four years. On 9 April 1970, the applicant was honorably released from active duty and transferred to the Air Force Reserve. He served 3 years and 10 months total active duty and was credited with 2 years, 1 month and 27 days of Foreign and/or SEA service.

On 6 April 2021, the AFPC/Recognition Team advised the applicant that award of the Republic of Vietnam Gallantry Cross with Palm had been verified and his record will be updated to reflect the award. However, they were unable to verify award of Presidential Unit Citation and the Air Force Outstanding Unit Award with Valor. They indicated the documents provided did not provide verification of his specific request. They asked the applicant to provide additional source documents, such as paid travel vouchers, AF Form 7, *Airman Military Record*, AF Form 104, *Service Medal Award Verification*, and/or evaluation reports placing him in the area of responsibility.

For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit C.

## AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the Presidential Unit Citation and the Air Force Outstanding Unit Award with Valor. After a thorough review of the limited official military personnel record, award of the Republic of Vietnam Gallantry Cross with Palm was able to be verified. Accordingly, the applicant's record will be administratively corrected. However, award of the Presidential Unit Citation and the Air Force Outstanding Unit Award with Valor are unable to be verified. On 6 April 2021, the applicant was requested to provide additional documentation to possibly administratively correct his record and as of the date of this memo a response has not been received.

Per Air Force Manual 36-2806, *Awards and Memorialization Program*, 10 June 2019.

A10.1. Presidential Unit Citation. The award (formerly named the Distinguished Unit Citation prior to 1965), established by E.O. 10694, is the Nation's highest unit award. It is awarded in the name of the U.S. President to units of the U.S. Armed Forces and cobelligerent nations, for extraordinary heroism in action against an armed enemy on or after 7 December 1941.

A10.1.1. Eligibility. The unit must have displayed such gallantry, determination, and esprit de corps in accomplishing its mission under extremely difficult and hazardous conditions to have set it apart and above other units participating in the same campaign.

A10.1.1.1. The degree of heroism required is the same as that which would be required of an Air Force Cross to an individual.

A10.1.1.2. Being on combat duty for an extended period or participating in a large number of operation missions, either ground or air, is not sufficient to justify the Presidential Unit Citation. The award is normally earned by units that have participated in a single action or successive actions covering relatively brief time spans.

A10.1.1.3. Only on rare occasions does a unit higher than a wing qualify for this award.

A10.1.1.4. Members entitled to wear both the Distinguished Unit Citation and Presidential Unit Citation may wear an oak leaf cluster on the Distinguished Unit Citation ribbon to denote entitlement to both awards.

A10.1.2. Authorized Device. Oak Leaf Cluster.

IAW Air Force Manual 36-2806, 10 June 2019, A10.4. Air Force Outstanding Unit Award. The award was established by SECAF on 6 January 1954, to recognize numbered units that have distinguished themselves by exceptionally meritorious service or outstanding achievement that clearly sets the unit above and apart from similar units. The Air Force Outstanding Unit Award may also be awarded for achievements of national or international significance, combat operations against an armed enemy of the United States, or military operations involving conflict with or exposure to hostile actions by an opposing foreign force.

A10.4.1. Eligibility.

A10.4.1.1. The Air Force Outstanding Unit Award is awarded to numbered units such as Air Forces, air divisions, wings, groups, squadrons, provisional units, and medical facilities (i.e. hospitals, clinics, medical centers (numbered or unnumbered)).

A10.4.1.2. Detachments, operating locations, training sites, and Air Force elements are often included in the parent unit's award; however, they may be considered on their own merit or identified by the parent unit to share in the award, but not both.

A10.4.1.3. Unnumbered units may not be nominated for the Air Force Outstanding Unit Award, however, they may be submitted for the Air Force Organizational Excellence Award.

A10.4.1.4. Units below squadron level are not eligible for the Air Force Outstanding Unit Award.

Based on the documentation provided and review of the limited official record, AFPC/DP3SP was unable to verify that the applicant meets the established criteria; and therefore, it appears there is no error or injustice

The complete advisory opinion is at Exhibit C.

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

The Board sent a copy of the advisory opinion to the applicant on 17 October 2022 for comment (Exhibit D), but has received no response.

## **FINDINGS AND CONCLUSION**

1. The application was not timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DP3SP and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board also notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Air Force Instruction 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence. The Board does not find it in the interest of justice to waive the three-year filing requirement. Therefore, the Board finds the application untimely and recommends against correcting the applicant's records beyond that rendered administratively.

## **RECOMMENDATION**

The Board recommends informing the applicant the application was not timely filed; it would not be in the interest of justice to excuse the delay; and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

## **CERTIFICATION**

The following quorum of the Board, as defined in Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2018-02021 in Executive Session on 7 March 2023:

, Panel Chair  
, Panel Member  
, Panel Member

All members voted against correcting the record. The panel considered the following:

Exhibit A: Application, DD Form 149, w/atchs, dated 24 May 2018.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 8 October 2022.  
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 17 October 2022.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.

**X**