RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2015-02535

 COUNSEL: NONE

 HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His records be corrected to reflect award of the Vietnam Service Medal (VSM).

APPLICANT CONTENDS THAT:

He served in Guam as a B-52 Crew Chief and flew on bombing missions over Vietnam in 1966. He believes he meets the criteria to be awarded the VSM.

He received hazardous duty and flight pay, and did not pay taxes while in the war zone.

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

STATEMENT OF FACTS:

According to the applicant’s DD Forms 214, *Armed Forces of the United States Report of Transfer or Discharge*, he served in the Regular Air Force from 4 Jun 61 through 5 Jun 69. He was credited with 8 years, 10 months and 11 days of active service, to include 5 months of foreign service.

According to the applicant’s service medical records it appears he sought treatment at the OSAF Dispensary (Class B) Andersen AFB, Guam on 1 Sep 65 and in Aug 66.

The remaining relevant facts pertaining to this application are contained in the memorandum prepared by the Air Force office of primary responsibility (OPR), which is attached at Exhibit C.

AIR FORCE EVALUATION:

AFPC/DPSID recommends denial indicating there is no evidence of an error or an injustice.

The VSM is awarded to all service members of the United States Armed Forces who served in Vietnam or contiguous waters or airspace after 3 Jul 65, and before 28 Mar 73. In addition, service members serving in Thailand, Laos, or Cambodia in direct support of operations in Vietnam during the same time period were also eligible for the VSM. To be eligible, a service member must be attached or regularly serving for one, or more, days with an organization participating in or directly supporting ground (military) operations; attached to or regularly serving for one, or more, days aboard a naval vessel directly supporting military operations, actually participating as a crew member in one or more aerial flights directly supporting military operations; or served on temporary duty for 30 consecutive or 60 nonconsecutive days, time limitations which may be waived for personnel participating in actual combat operations.

There was no documentation located in the applicant’s military personnel record or provided by him to verify he served in Vietnam, Thailand, Laos, or Cambodia in direct support of operations in Vietnam or permanently assigned, attached, or detailed for one, or more, days with an organization participating in or directly supporting ground (military) operations; permanently assigned, attached, or detailed for one, or more days aboard a naval vessel directly supporting military operations; have actually participated as a crew member in one or more aerial flights directly supporting military operations; or served on temporary duty for 30 consecutive or 60 nonconsecutive days in the area of eligibility for award of the VSM.

A complete copy of the AFPC/DPSID evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

He was transferred to Turner AFB, GA in 1966 and the base was in the process of being closed and the squadron he was assigned to was already in Guam conducting military operations over Vietnam. He was immediately sent to Guam to join his squadron. He spent five months in Guam on flying status as a B-52 crew chief. He received hazardous duty pay for being assigned to the B-52 squadron.

On 4 occasions, he flew bombing missions over Vietnam and this is validated by his receiving flight and hazardous duty pay for flying during bombing runs. Also, the flight manifest for his aircraft will show his flights over Vietnam occurred.

He is confident he has earned the VSM and does not want anything he does not deserve, however, based on the spirit and intent of the regulation describing the award of the VSM he knows he has earned this award.

Whether a record keeping error or omission has resulted in his official records not showing the manifests or the actual service, he should not be penalized for administrative errors that may or may not have taken place. He requests the VSM as he is confident he has met the criteria for the award.

The applicant’s complete response is at Exhibit E.

THE BOARD CONCLUDES THAT:

1.  The applicant has exhausted all remedies provided by existing law or regulations.

2.  The application was not timely filed. While the applicant claims a date of discovery of less than three years ago, in our view, the reasonable date of discovery of the alleged error or injustice was more than three years ago and the application is therefore untimely. 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 injustice. We took notice of the applicant’s complete submission, to include the rebuttal response, in judging the merits of the case; however, we agree with the opinion and recommendation of the Air Force office of primary responsibility (OPR) and adopt its rationale as the basis for our conclusion the applicant has not been the victim of an error of injustice. We found no evidence to show that the applicant served or was stationed in Vietnam. Therefore, in the absence of evidence to the contrary, we find no basis to recommend granting the requested relief.

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-2015-02535 in Executive Session on 24 Mar 16, under the provisions of AFI 36-2603:

 , Panel Chair

 , Member

 , Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2015-02535 was considered:

 Exhibit A.  DD Form 149, dated 14 Jun 15, w/atchs.

 Exhibit B.  Applicant's Master Personnel Records.

 Exhibit C.  Memorandum, AFPC/DPSID, dated 6 Oct 15.

 Exhibit D.  Letter, SAF/MRBR, dated 3 Dec 15.

 Exhibit E.  Letter, Applicant, dated 21 Dec 15.