

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2017-05389

XXXXXXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Correct his DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, to reflect the following:

- a. Foreign service in the Republic of Vietnam from 27 May 69 to 12 Feb 70
- b. Vietnam Service Medal
- c. Republic of Vietnam Campaign Medal
- d. Overseas Service Ribbon ¹[sic]

APPLICANT'S CONTENTIONS

When he left the country, he did not talk with any administrative personnel and was given no guidance. All he knew was he was going home alive. When he received his DD Form 214, he did not really know what he needed to verify because they were trying to process them out as fast as possible. He was young and did not know any better, but now he is trying to file for Department of Veterans Affairs benefits and healthcare, and he has been informed his DD Form 214 does not accurately reflect his military service.

He never thought about it or looked at his DD Form 214 once he returned home. Only when he spoke with a veteran's advocate did he find out that he could qualify for Department of Veterans Affairs benefits. In support, he is providing copies of his current DD Form 214, newspaper clippings, lodging non-availability statement, pictures from Vietnam, and letters with envelopes showing communication between Vietnam and home.

He served in the Republic of Vietnam on temporary duty (TDY) orders at the following locations and dates: Cam Rahn Bay, Republic of Vietnam: 31 May 69; 19 Jun 69; 26 Jun 69; 2 Jul 69; 9 Jul 69; 15 Jul 69; 11 Nov 69; 12 Nov 69; and 27 Dec 69

Quan Loi, RVN: 26 Nov 69 to 29 Nov 69

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an honorably discharged Air Force sergeant (E-4) who entered the Regular Air Force on 28 Jun 66.

According to AF Form 7, *Airman Military Record*, the applicant performed foreign service in Taiwan from 14 Mar 69 to 2 Jun 70.

¹ Air and Space Overseas Ribbon

According to AF Form 910, *TSgt, SSgt, and Sgt Performance Report*, for the period 29 Dec 68 through 28 Dec 69, the applicant had a Period of Report and Supervision for 140 days while assigned to Ching Chuan Kang Air Base, Taiwan.

On 2 Jun 70, according to DD Form 214, the applicant was furnished an honorable discharge and credited with 3 years, 11 months, and 18 days active service, of which 1 year, 2 months, and 18 days was Foreign and/or Sea Service. Item 24, *Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized*, reflects: National Defense Service Medal, Air Force Good Conduct Medal.

On 1 Jun 73, Air Force Personnel Center Directorate of Assignments (AFPC/DP3AM), informed the applicant boots-on-ground foreign service time in the Republic of Vietnam was verified and confirmed; however, the inclusive dates of this foreign service could not be determined. The applicant was informed since specific locations are not annotated on a member's DD Form 214, he may use their letter as proof of boots on ground for the Republic of Vietnam.

For more information, see the excerpt of the applicant's record at Exhibit B and the advisories at Exhibits C, E, and F.

APPLICABLE AUTHORITY/GUIDANCE

Title 10, United States Code, Section 1168: *Discharge or release from active duty: limitation*; DoDI 1336.01, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*; AFI 36-3202, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*; DD Form 214 Total Force Personnel Services Delivery Guide. The DD Form 214 is prepared in accordance with the aforementioned publications and is used to record qualifying active duty service. Foreign Service locations are not an authorized entry on the DD Form 214. Foreign Service is annotated in increments of years, months, and days.

The Air Force Personnel Center Directorate of Assignments (AFPC/DP3AM) is responsible for determining an Air Force member's Foreign Service. Since specific locations are not annotated on the DD Form 214, they will prepare a Boots-on-Ground letter if they are able to verify a member served at a specific foreign location. This letter may be used to validate overseas service.

Department of the Air Force Manual (DAFMAN) 36-2806, *Military Awards: Criteria and Procedures*, paragraph A15.13. The Vietnam Service Medal is awarded to any member of the U.S. Armed Forces serving in Vietnam, Contiguous waters, or air space, including service in Thailand, Laos, Cambodia, or their air space on or after 4 Jul 65 through 28 Mar 73. To qualify for award of the Vietnam Service Medal a member must meet one of the following qualifications: be attached to or regularly serve for one or more days with an organization participating in or directly supporting military operations; be attached to or regularly serve for one or more days aboard a naval vessel directly supporting military operations; actually participate as a crewmember in one or more aerial flights into airspace above Vietnam and contiguous waters directly supporting military operations; or serve on temporary duty for 30 consecutive days or 60 nonconsecutive days in Vietnam or contiguous areas, except that time limit may be waived for personnel participating in actual combat operations.

AIR FORCE EVALUATION

AFPC/DP3AM (Directorate of Assignments) recommends denying the applicant's request for foreign service credit for the Republic of Vietnam. Foreign service boots-on-ground in Taiwan from 14 Mar 69 through 31 May 70, was confirmed but neither the information provided, nor the

applicant's Master Personnel Records contain information that reflects time served in the Republic of Vietnam.

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 19 Sep 22, for comment (Exhibit D) but has received no response.

ADDITIONAL AIR FORCE EVALUATION

AFPC/DP3SP (Recognition Program) recommends denying the applicant's request for award of the Republic of Vietnam Campaign Medal. The applicant's AF Form 7 reflects active duty from 14 Mar 69 through 2 Jun 70 while serving in Taiwan. Taiwan is not an area of eligibility for award of the Republic of Vietnam Campaign Medal. Additionally, per AFPC/DP3AM memorandum, dated 14 Sep 22, the applicant had foreign service boots-on-ground in Taiwan from 14 Mar 69 to 31 May 70, but no foreign service in the Republic of Vietnam was verified. Based on the documentation presented and review of the official record, there is no error/injustice as the applicant does not meet the established criteria for award of the Republic of Vietnam Campaign Medal in accordance with AFMAN 36-2806, *Awards and Memorialization Program*.

The complete advisory opinion is at Exhibit E.

AFPC/DP3SP (Recognition Program) recommends denying the applicant's request for award of the Vietnam Service Medal, Republic of Vietnam Campaign Medal, and the Air Force Overseas Ribbon. In accordance with DAFMAN 36-2806, paragraph A14.11, the Air and Space Overseas Ribbon was established on 12 Oct 80 to recognize completion of an overseas tour. On 16 Nov 20, the Secretary of the Air Force approved renaming the Air Force Overseas Ribbon to the Air and Space Overseas Ribbon. Prior to 6 Jan 86, the ribbon was awarded to Regular Air Force, Air National Guard, and Air Force Reserve members credited with completion of an overseas tour on or after 1 Sep 80. The applicant's active duty service dates are prior to the award inclusive period for award of the Air Force Overseas Ribbon.

Paragraph A11.9.5. The Secretary of Defense approved acceptance and wear of the Republic of Vietnam Campaign Medal on 7 Feb 66. The Republic of Vietnam Campaign Medal was awarded to members of the U.S. Armed Forces who between 1 Mar 61 and 28 Mar 73: served for six months in South Vietnam during the above dates; or served outside the geographical limits of South Vietnam and contributed combat support to the Republic of Vietnam Armed Forces for an aggregate of six months. Only members of the U.S. Armed Forces who meet the criteria established for the Armed Forces Expeditionary Medal (Vietnam) or the Vietnam Service Medal during the period of service required are considered to have contributed direct combat support to the Republic of Vietnam Armed Forces.

Per AFPC/DP3AM memorandum, dated 14 Sep 22, the applicant had foreign service boots-on-ground in Taiwan from 14 Mar 69 through 31 May 70, but no foreign service in the Republic of Vietnam was verified. Based on the documentation presented and review of the official record, there is no error/injustice as the applicant does not meet the established criteria for award of the Vietnam Service Medal, Republic of Vietnam Campaign Medal or the Air Force Overseas Ribbon. To grant relief would be contrary to DAFMAN 36-2806.

The complete advisory opinion is at Exhibit F.

APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION

The Board sent copies of the advisory opinions to the applicant on 10 Apr 23 (with cover letter dated 14 Nov 22) for comment (Exhibit G) 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 recommendation of AFPC/DP3SP regarding the applicant's requests for the Republic of Vietnam Campaign Medal, Vietnam Service Medal, and Air Force Overseas Ribbon and finds a preponderance of the evidence does not substantiate the applicant's contentions. In addition, the Board notes the applicant requests Foreign Service in the Republic of Vietnam for the period 27 May 69 to 12 Feb 70; however, as noted above, Foreign Service locations are not an authorized entry on the DD Form 214. The Board also notes AFPC/DP3AM's initial recommendation against correcting the applicant's record. However, they have since communicated with Board staff there is sufficient evidence the applicant served in the Republic of Vietnam. However, they were unable to determine the inclusive dates of this Foreign Service. Nonetheless, they informed the applicant he may use the boots-on-ground letter they provided him as verification of his service in the Republic of Vietnam. Finally, the Board 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 Department of the Air Force Instruction (DAFI) 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.

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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2017-05389 in Executive Session on 15 Jun 23:

, 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 30 Nov 17.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3AM, dated 14 Sep 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 19 Sep 22.
- Exhibit E: Advisory Opinion, AFPC/DP3SP, dated 14 Nov 22.
- Exhibit F: Advisory Opinion, AFPC/DP3SP, dated 8 Apr 23.

Exhibit G: Notification of Advisory, SAF/MRBC to Applicant, dated 14 Nov 22.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

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Board Operations Manager, AFBCMR