

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2018-03136

XXXXXXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Report of Separation from Active Duty*, be corrected to reflect the following:

- a. Vietnam Service Medal
- b. Republic of Vietnam Campaign Medal
- c. Small Arms Expert Marksmanship Ribbon (**Administratively corrected**)
- d. Award dates for the National Defense Service Medal and the Air Force Good Conduct Medal from "16 Mar 70 – 15 Mar 73" to "16 Mar 70 – 15 Mar 74."

APPLICANT'S CONTENTIONS

His DD Form 214 does not include the Vietnam Service Medal or the Republic of Vietnam Campaign Medal. The National Defense Service Medal and Air Force Good Conduct Medal reflect the incorrect discharge date. He is applying for Veterans Administration medical benefits. He has in his possession his entire flight records indicating in-country sorties for Tan Son Nhut, Cam Rahn, and Da Nang.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an honorably discharged Air Force staff sergeant (E-5).

On 16 Mar 70, according to DD Form 214, the applicant entered the Regular Air Force.

On 15 Mar 74, the applicant was released from active duty and transferred to the Air Force Reserve. Item 18c, *Total Active Service*, reflects 4 years. Item 26, *Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized*, reflects: "NDSM, AFGCM (17 Mar 70 – 15 Mar 73) AFM: 900-3."

On 25 Oct 19, AFPC/DP3AM (Directorate of Assignments) issued the applicant a Boots-on-Ground Letter for Thailand, the Republic of the Philippines, Japan, Guam, and Hawaii, from 30 Sep 73 – 5 Oct 73. The applicant's DD Form 214 was corrected to reflect 6 days foreign and/or sea service. Since specific locations are not annotated on a member's DD Form 214, the applicant was informed he could use their letter as proof of boots-on-ground in the aforementioned locations.

On 14 Nov 19, the Air Force Personnel Center (AFPC) Recognitions Team informed the applicant, they were unable to verify award of the Vietnam Service Medal or the Republic of Vietnam Campaign Medal; however, they were verified award of the Small Arms Expert Marksmanship Ribbon. Regarding the effective date for the Air Force Good Conduct Medal, the award is given for three years honorable service; therefore, is correctly annotated on the DD Form 214.

On 10 Jan 20, DD Form 215, *Correction to DD Form 214, Certificate of Release or Discharge from Active Duty*, for separation date 15 Mar 74, was published to correct Block 18f., *Foreign and/or Sea Service this Period*, from “00 00 00” to “00 00 06” and Item 26 to include the Air Force Longevity Service Award and the Small Expert Marksmanship Ribbon¹ [sic].

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

APPLICABLE AUTHORITY/GUIDANCE

According to Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*, paragraph A14.3., the National Defense Service Medal was established by Executive Order 10448 on 22 Apr 53 (as amended by Executive Order 13293 of 28 Mar 03 to recognize honorable active military service during periods of conflict or national crisis, as designated by the Secretary of Defense. The medal may be awarded to members of the U.S. Armed Forces, to include the U.S. Coast Guard, who are on active duty; members of the Selected Reserve in good standing; members of other than the Selected Reserve called to active duty; cadets in the Air Force Academy; and Air Force members who have completed Air Force Basic Training. The term “Selected Reserve” is defined by 10 U.S.C. § 10143.

Paragraph A14.19. The Air Force Good Conduct Medal is awarded to enlisted members for “exemplary conduct” (exemplary behavior, efficiency, and fidelity), for active military service with the U.S. on or after 1 Jun 63. On 6 Feb 06, the 97th Air Force Uniform Board terminated the medal. The medal was reinstated by the Secretary of the Air Force on 22 Nov 08, based on a recommendation from the Chief Master Sergeant of the Air Force and an Awards and Decorations Summit. The reinstatement is retroactive to 6 Feb 06. To be eligible, members must have demonstrated a positive attitude toward the Air Force and their jobs. Service performed in a sister-Service (to include U.S. Coast Guard) is not creditable for award of the Air Force Good Conduct Medal. Officer candidate (officer training school students) status is creditable toward award of the Air Force Good Conduct Medal. Service as a cadet in the Air Force Academy or Reserve Officers Training Corps cadet status is not creditable. Each 3 years completed on or after 1 Jun 63 is a qualifying period for the medal.

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the applicant’s request for award of the Vietnam Service Medal and Republic of Vietnam Campaign Medal as the documentation provided does not indicate the applicant meets the criteria for award. Per AFMAN 36-2806, paragraph A15.2., 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: (1) Be attached to or regularly serve for one or more days with an organization participating in or directly supporting military operations; (2) Be attached to or regularly serve for 1 or more days aboard a naval vessel directly supporting military operations; (3) Actually participate as a crewmember in one or more aerial flights into airspace above Vietnam and contiguous waters directly supporting military operations; (4) 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.

¹ Small Arms Expert Marksmanship Ribbon

Per A12.9.5, on 7 Feb 66, the Secretary of Defense approved acceptance and wear of the Republic of Vietnam Campaign Medal, which is was awarded to members of the U.S. Armed Forces who between 1 Mar 61 and 28 Mar 73: (1) Served for 6 months in South Vietnam during the above date; or (2) 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 Air Force 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.

They are unable to verify the applicant was in the area of eligibility for the Vietnam Service Medal for 30 consecutive or 60 nonconsecutive days, or actually participated as a crewmember in one or more aerial flights in airspace above Vietnam and contiguous waters directly supporting military operations, or served an aggregate of 6 months for award of the Republic of Vietnam Campaign Medal. To grant relief would be contrary to the criteria established by AFMAN 36-2806

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 5 Jan 23, 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. There is no evidence the applicant met the eligibility criteria for award of the Vietnam Service Medal or the Republic of Vietnam Campaign Medal. Therefore 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 applicant contends the National Defense Service Medal and Air Force Good Conduct Medal reflect the incorrect discharge date on his DD Form 214. However the dates reflected in Block 26 of the applicant's DD Form 214 refer to the three-year qualifying period of service for award of the Air Force Good Conduct Medal, not his total period of service; that is reflected in item 18c, *Total Active Service*. Therefore, a correction is not required. 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 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, except for the administrative corrections noted above, 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-2018-03136 in Executive Session on 18 May 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 6 Sep 18.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 17 Nov 22.
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 5 Jan 23.

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