

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2019-00355

XXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Correct his DD Form 214, *Report of Separation from Active Duty*, to reflect award of the Armed Forces Expeditionary Medal (AFEM).

APPLICANT'S CONTENTIONS

He served with the 354th Tactical Fighter Wing in Korat, Thailand in direct support of Cambodian operations from Feb 73 – Aug 73.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

According to AF Form 910, *TSgt, SSgt, and Sgt Performance Report*, the applicant had a period of report and supervision from 8 Jan 73 – 15 Oct 73, for a period of 189 days, while assigned to the 354th Field Maintenance Squadron, with duty at Korat Royal Thai Air Force Base (RTAFB), Thailand.

On 11 May 73, according to Standard Form 600, *Chronological Record of Medical Care*, the applicant was seen by a medical provider at Korat RTAFB, Thailand.

On 11 Aug 73, according to Standard Form 600, the applicant was seen by a medical provider at Korat RTAFB, Thailand.

On 17 Jun 75, the applicant was furnished an honorable discharge, and credited with 4 years active service, of which 1 year and 7 months was foreign and/or sea service, with 210 days Indochina or Korea service since 5 Aug 64.

On 24 Feb 73, AFPC/DP3AM (Directorate of Assignments) provided the applicant a Boots-on-Ground letter for foreign service time in Thailand and Taiwan, with undetermined inclusive dates for this foreign service. 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 Thailand and Taiwan.

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

APPLICABLE AUTHORITY/GUIDANCE

In accordance with Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*:

A14.5. *Armed Forces Expeditionary Medal*. The medal is awarded to members of the U.S. Armed Forces who, after 1 July 1958, participated in U.S. military operations, U.S. operations in direct support of the United Nations, or U.S. operations of assistance for friendly foreign nations (see Table A14.2). The Joint Chiefs of Staff designates operations that qualify for the Armed Forces Expeditionary Medal, specifies the degree of participation required, and defines the area of operations.

Table A14.2. *Armed Forces Expeditionary Medal Qualifying Operations*

Operation: Thailand

Dates: 29 Mar 73 – 15 Aug 73

Notes: In support of Cambodia Operations

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the application. Based on documentation presented and review of the official record, there is no error or injustice as the applicant does not meet the established criteria for award of the AFEM.

Per AFMAN 36-2806, 10 Jun 19:

A14.5. *Armed Forces Expeditionary Medal*. The medal is awarded to members of the U.S. Armed Forces who, after 1 Jul 58, participated in U.S. military operations, U.S. operations in direct support of the United Nations, or U.S. operations of assistance for friendly foreign nations. The Joint Chiefs of Staff designates operations that qualify for the Armed Forces Expeditionary Medal, specifies the degree of participation required, and defines the area of operations.

A14.5.1. *Eligibility*: Service members must be bona fide members of a unit participating in or be engaged in the direct support of the operation for 30 consecutive days in the area of operations (or for the full period when an operation is less than 30 days duration), or for 60 nonconsecutive days provided the support involved entering the area of operations or met one or more of the following criteria: Be engaged in actual combat, or duty which is equally as hazardous as combat duty, during the operation with armed opposition, regardless of time in the area; Is wounded or injured and requires medical evacuation from the area of eligibility while participating in the operation, regardless of time; Accumulate 15 days service (consecutive/nonconsecutive) while participating as a regularly assigned crewmember of an aircraft flying sorties into, out of, within, or over the area in direct support of the military operation. One day's service is credited for the first sortie flown on any day. Additional sorties flown on the same day receive no further credit. Prior to 1 Dec 95, members on aircrew status were only required to fly over or into the area of eligibility for one day during the conflict to qualify for the medal. Under no condition will members receive the Armed Forces Expeditionary Medal and another campaign medal for the same period of service, unless authorized by DoD.

After a thorough review of the applicant's record, there was insufficient documentation to verify eligibility, and award of the AFEM could not be verified. Additionally, correspondence was sent to the applicant requesting additional documentation in support of his request; however, a response was not received from the applicant. Evaluation report dated 8 Jan 73 – 15 Oct 73 reflects the applicant was in Thailand and his DD Form 214 reflects 1 year and 7 months foreign service time, but the exact dates the applicant was in the area of eligibility could not be determined.

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 28 Nov 22 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 recommendation of AFPC/DP3SP and finds a preponderance of the evidence does not substantiate the applicant's contentions. The applicant did not meet the eligibility criteria for award of the AFEM. 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, 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-2019-00355 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 20 Sep 18.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory opinion, AFPC/DP3SP, dated 16 Nov 22.
Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 28 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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