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**UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS**

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2019-00695

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT’S REQUEST

His DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge* be corrected to reflect the following:

- 1. Armed Forces Expeditionary Medal (AFEM).
- 2. National Defense Service Medal (NDSM).
- 3. Block 28c, *Major Courses* to reflect “Mandarin” rather than “Madarin.” (**No Board Action/Administratively Corrected**).

APPLICANT’S CONTENTIONS

The AFEM and NDSM were not established at the time of his assignment with the [Work-Product] but eligibility for the medals is retroactive.

The applicant’s complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force airman first class (E-4).

On 5 Jun 59, according to the DD Form 214, provided by the applicant, he was honorably discharged from the Air Force and transferred to the Ready Reserve.

On 30 Sep 61, according to Reserve Order [Work-Product] provided by the applicant, he was honorably discharged from the Air Force Reserve.

On 1 Apr 21, AFPC/DP3SP (Recognition Team) sent a letter to the applicant requesting additional documentation such as a paid travel voucher, AF Form 7, *Airman Military Record*, AF Form 104, *Service Medal Award Verification*, and/or evaluation reports to verify award eligibility.

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[Redacted box containing Work-Product text]

On 23 Apr 21, the applicant provided additional details regarding his assignments during service.

For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit D. The applicant's official military record returned from National Personnel Records Center with two documents, none of which are related to the request.

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the applicants request for award of the AFEM and NDSM. Based on the documents provided by the applicant, it appears he was in the area of eligibility of Taiwan; however, they were unable to verify he participated or was engaged in direct support of an operation for 30 consecutive or 60 nonconsecutive days, rendering the applicant ineligible for award of the AFEM. In addition, the applicant does not meet the established criteria for award of the NDSM.

In accordance with Air Force Manual (AFMAN) 36-2806, *Military Awards: Criteria and Procedures*, 10 Jun 19, A14.5. The AFEM 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 AFEM, specifies the degree of participation required, and defines the area of operations.

A14.5.1.1. Service members must be bona fide members of the 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:

A14.5.1.1.1. 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.

A14.5.1.1.2. Is wounded or injured and requires medical evacuation from the area of eligibility while participating in the operation, regardless of time.

A14.5.1.1.3. 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.

A14.5.1.1.4. 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.

A14.5.1.1.5. Under no condition will members receive the AFEM and another campaign medal for the same period of service, unless authorized by Department of Defense.

The NDSM was established by [redacted] *Work-Prod*Wor... on 22 Apr 53 (as amended by [redacted] *Wor...* [redacted] *Work-Product* to recognize honorable active military service during periods of conflict or national crisis, as designated by the Secretary of Defense.

Table A14.1. NDSM Qualifying Conflicts include:

CONFLICT	DATES
Korean War	27 June 1950 - 27 July 1954
Vietnam Conflict	1 January 1961 - 14 August 1974
Gulf War	2 August 1990 - 30 November 1995
War on Terrorism	11 September 2001 - Date to be Determined

Notwithstanding the above, they were able to verify the misspelling error in Block 28c of the applicant's DD Form 214. Accordingly, the applicant's record will be administratively corrected.

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 14 Mar 23 for comment (Exhibit E) 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 insufficient evidence of error or injustice to award the AFEM and NDSM. The Board notes the applicant's DD Form 214, Block 28c, *Major Courses* was administratively corrected to reflect "Mandarin." In addition, 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 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, other than the administrative correction, as 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

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The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2019-00695 in Executive Session on 25 Aug 23:

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Panel Chair

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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 22 Nov 18.

Exhibit B: AFPC/DP3SP Letter to Applicant, 1 Apr 21

Exhibit C: Applicant's Response, w/atchs, dated 23 Apr 21

Exhibit D: Advisory Opinion, AFPC/DP3SP, dated 8 Dec 22.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 14 Mar 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.

3/5/2024

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Board Operations Manager, AFBCMR

Signed by

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