



CUI//SP-MIL/SP-PRVCY

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2019-00916

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

The Board consider his request for award of the following:

1. Air Force Commendation Medal (AFCM).
2. Combat Readiness Medal (CRM).
3. Vietnam Military Merit Medal.
4. Air Force Good Conduct Medal (AFGCM) (**Will be administratively corrected**).
5. National Defense Service Medal (NDSM) (**Already annotated on DD Form 214**).
6. Vietnam Service Medal (VSM) (**Already annotated on DD Form 214**).

APPLICANT'S CONTENTIONS

He should have been eligible for these awards for his service.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force Reserve sergeant.

On 18 Apr 68, according to DD Form 4, *Enlistment Contract - Armed Forces of the United States*, the applicant entered the Regular Air Force.

On 14 Jan 72, according to DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, the applicant was honorably discharged from active duty and transferred to the Air Force Reserve.

On 5 Apr 74, according to Reserve Order *Work-Product* the applicant was honorably discharged from the Air Force Reserve.

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

APPLICABLE AUTHORITIES

According to Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*, the Combat Readiness Medal was authorized by SECAF on 9 Mar 64. The medal is awarded to regular Air Force, Air National Guard, Air Force Reserve, and members of the other Military Services, after 1 Aug 60, for sustained individual combat mission readiness or preparedness for direct weapon-system employment.

**AFBCMR Docket Number BC-2019-00916
CUI//SP-MIL/SP-PRVCY**

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CUI Categories: SP-MIL/SP-PRVCY
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The AFGCM was established by SECAF, 24 Mar 58 and announced in Department of the Air Force General Orders No. 16, 28 Mar 58. The medal is awarded to any Service member, or to any member of the armed forces of a friendly foreign nation, who has distinguished himself or herself by meritorious achievement or service, valor or heroism.

According to DoD Instruction (DoDI) 1348.33, *DoD Military Decorations and Awards Program*, the statutes below authorize Service members to accept awards proffered by friendly foreign governments in recognition of service performed during the periods indicated in Paragraphs 10.4.g.(1) through 10.4.g.(4). However, the awards must have been presented and accepted by the intended recipient before the expiration date of the applicable law. (4) Vietnam Era – 1 Mar 61, through 28 Mar 74, authorized by P.L. 89-257.

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying award of the AFCM, CRM and the Vietnam Military Merit Medal as they were unable to verify award based on the official record and the documentation provided by the applicant. Correspondence was sent to the applicant on 11 May 20, requesting additional documentation to possibly administratively correct the applicant's official record and award the medals. Unfortunately, a response has not been received from the applicant. Additionally, the Vietnam Military Merit Medal was an award bestowed by the Republic of Vietnam and therefore it is not currently recognized by the U.S. IAW DoDI 1348.33 as awards from service in the Republic of Vietnam must have been presented/accepted prior to 28 Mar 74. To grant relief would be contrary to the criteria established by law, the Secretary of the Air Force per AFMAN 36-2806 and DoDI 1348.33.

Notwithstanding, they were able to verify award of the AFGCM and the Vietnam Campaign Medal. Accordingly, the applicant's record will be administratively corrected. Additionally, they were able to verify award of the NDSM and VSM with one Bronze Oak Leaf Cluster as annotated on the applicant's DD Form 214, dated 14 Jan 72.

Finally, they were able to verify and confirm boots on ground foreign service time in Thailand, from 27 Jul 70 to 13 Jan 72, for 1 year, 5 months and 8 days. Since specific locations are not annotated on a member's DD Form 214, the applicant will be provided a letter as proof of "boots on ground" for Thailand.

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 29 Oct 21 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 rationale and recommendation of AFPC/DP3SP and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board also

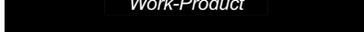
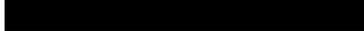
notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Air Force Instruction 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. The Board does not find it in the interest of justice to waive the three-year filing requirement. Therefore, aside from the administrative correction to add the AFGCM, 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 Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2019-00872 in Executive Session on 3 Aug 22:

 Panel Chair
 Panel Member
 Panel Member

All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, dated 19 Feb 19.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 5 Oct 21.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 29 Oct 21.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.

4/3/2023



Board Operations Manager, AFBCMR
Signed by: USAF