

## RECORD OF PROCEEDINGS

IN THE MATTER OF:

XXXXXXXXXXXXXX

DOCKET NUMBER: BC-2019-01663

COUNSEL: NONE

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

Correct his DD Form 214, *Certificate of Release or Discharge from Active Duty*, to reflect the following:

- a. Korea Defense Service Medal
- b. Republic of Vietnam Campaign Medal
- c. Vietnam Service Medal
- d. Any other qualifying medals or ribbons

### APPLICANT'S CONTENTIONS

He is qualified to be awarded the Korean Defense Service Medal because he believes he met the criteria of 30 consecutive days or 60 non-consecutive days service in Korea. He also served in Thailand during the Vietnam War and may be eligible for either the Republic of Vietnam Campaign Medal or the Vietnam Service Medal.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a retired Air Force master sergeant (E-7).

On 20 May 74, according to AF Form 899, *Request and Authorization for Permanent Change of Station – Military* (Special Order No. XXXXX), provided by the applicant, he was ordered to proceed on a permanent change of station from Dyess Air Force Base (AFB), Texas (TX) to APO San Francisco 96304 [Thailand], with Report Not Later Than Date (RNLTD): 31 Aug 74.

On 25 Apr 75, according to AF Form 899, (Special Order No. XXXXX), provided by the applicant, he was ordered to proceed on a permanent change of station from APO San Francisco 96288 [Thailand] to Dyess AFB, TX, with RNLTD: 13 Oct 75.

On 9 Mar 83, according to DD Form 1610, *Request and Authorization for TDY Travel of DoD Personnel* (Travel Order Number XXXXX), provided by the applicant, he was ordered to proceed on temporary duty (TDY) from Kadena Air Base (AB), Japan to Suwon AB, Korea, with Proceed O/A Date: 9 Mar 83, for approximately 20 days.

On 1 Mar 84, according to DD Form 1610, (Travel Order Number XXXXX), provided by the applicant, he was ordered to proceed on TDY from Kadena AB, Japan to Chong Ju AB, Korea, with Proceed O/A Date: 5 Mar 84, for approximately 28 days.

On 13 Mar 86, according to DD Form 1610, (Travel Order Number XXXXX), provided by the applicant, he was ordered to proceed on TDY from Kadena AB, Japan to Chong Ju AB, Korea, with Proceed O/A Date: 14 Mar 86, for approximately 20 days.

According to AF Form 77, *Supplemental Evaluation Sheet*, for the period 2 Sep 87 – 16 Dec 87, the applicant traveled to Osan AB, Korea.

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

## APPLICABLE AUTHORITY

Department of Defense Instruction 1336.1, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*, which establishes and implements policy for the preparation and distribution of the DD Form 214, does not include a provision for update of TDY assignments/locations on the DD Form 214.

AFI 36-2110, *Total Force Assignments*, states; use a combination of the following documents to verify completed TDY assignments: travel vouchers, PCS orders, decoration citations, enlisted or officer performance reports and records review Report on Individual Personnel.

Air Force Manual 36-2806, *Awards and Memorialization Program*. The Vietnam Service Medal was awarded to all members of the United States Armed Forces who served in Vietnam or contiguous waters or airspace on or after 4 Jul 65, and before 28 Mar 73. In addition, personnel serving in Thailand, Laos, or Cambodia in direct support of operations in Vietnam during the same period also were eligible for the Vietnam Service Medal. To be eligible, a service member must be: permanently assigned, attached, or detailed for one, or more, days with an organization participating in or directly supporting ground (military) operations; permanently assigned, attached, or detailed for one, or more, days aboard a naval vessel directly supporting military operations; have actually participated as a crew member in one or more aerial flights directly supporting military operations; have served on temporary duty for 30 consecutive days or 60 non-consecutive days.

The Republic of Vietnam Campaign Medal is awarded to members of the United States Armed Forces who, between 1 Mar 61 and 28 Mar 73, served for 6 months in South Vietnam, or served outside the geographical limits of South Vietnam and contributed direct combat support to the Republic of Vietnam Armed Forces for an aggregate of 6 months. Only members of the United States Armed Forces who meet the criteria established for the Armed Forces Expeditionary Medal 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; or, did not complete the length of service required, but who, during wartime, were: wounded by the enemy (in a military action); captured by the enemy during action or in the line of duty, but later rescued or released; killed in action or in the line of duty; or were assigned in Vietnam on 28 Jan 73, and served in Vietnam for the entire period between 29 Jan 73 to 28 Mar 73.

## AIR FORCE EVALUATION

AFPC/DP3SP (Recognition Program) recommends denying award of the Korea Defense Service Medal. In accordance with AFMAN 36-2806, dated 10 Jun 19, the Korea Defense Service Medal was authorized by 10 U.S.C. § 9286, to recognize qualifying members of the U.S. Armed Forces who have served in the Republic of Korea subsequent to 28 Jul 54. Service must have been in support of the defense of the Republic of Korea to members who, during the period of the award, were permanently assigned, attached, or detailed for 30 consecutive or 60 non-consecutive days to a unit operating in the area of eligibility or who met one of the following criteria, regardless of time spent in the area of eligibility.

Members who qualified for the Armed Forces Expeditionary Medal by reason of service between 1 Oct 66 to 30 Jun 74, in an area for which the Korea Defense Service Medal was subsequently authorized, remain eligible for both the Korea Defense Service Medal and Armed Forces Expeditionary Medal. Award of the Korea Defense Service Medal for this time period is a one-time exception to policy.

The applicant provided DD Forms 1610, dated 9 Mar 83 from Japan to Korea for approximately 20 days, dated 1 Mar 84 from Japan to Korea for approximately 16<sup>1</sup>[sic] days, and dated 11 Mar 86 [from Japan to Korea] for approximately 20 days; however, whether the orders were carried out could not be determined. While the documents indicate he was in and out of Korea, travel orders are not used for verification. Additionally, AF Form 77, for the period 2 Sep 87 – 16 Dec 87, indicates service in Korea but no service dates were provided. Therefore, whether the applicant met the eligibility criteria of 30 consecutive days or 60 non-consecutive days for award of the Korea Defense Service Medal could not be verified. In addition, they could not verify the applicant's eligibility for any other awards or decorations.

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 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 applicant believes he is eligible for the Korea Defense Service Medal, the Republic of Vietnam Campaign Medal, the Vietnam Service Medal, and other medals or ribbons he may be qualified for. In support of his request, the applicant provided TDY orders to Thailand and Korea. However, as noted in the applicable authority, TDY orders alone are not sufficient evidence the TDY was actually executed. In addition, the applicant has provided insufficient evidence he meets the established criteria for the requested awards as determined by AFMAN 36-2806 and the rationale expressed in the AFPC/DP3SP advisory. Therefore, the Board 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 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.

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<sup>1</sup> Per DD Form 1610, Travel Order Number XXXXX, the applicant was TDY for approximately 20 days.

## **CERTIFICATION**

The following quorum of the Board, as defined in DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2019-01663 in Executive Session on 6 Jul 23:

, Chair, AFBCMR  
, 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 27 Feb 19.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 2 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.

**X**

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Board Operations Manager, AFBCMR