



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-2019-03002

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be corrected to reflect the award of the Armed Forces Expeditionary Medal (AFEM).

APPLICANT'S CONTENTIONS

He served in Korea several times between 1968 and 1969.

STATEMENT OF FACTS

The applicant is a former Air Force senior airman (E-4) who entered the Regular Air Force on 31 May 67.

On 2 May 71, the applicant was released from active duty. The applicant's DD Form 214, Item 24, *Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized*, reflects the following: National Defense Service Medal, Vietnam Service Medal with one Bronze Service Star, Air Force Good Conduct Medal, and Republic of Vietnam Campaign Medal. He was credited with two years, eight months, and nine days of Foreign Service.

On 26 Jun 19, the AFBCMR staff notified the applicant he failed to exhaust or that he did not indicate he exhausted other administrative avenues of relief prior to applying to the AFBCMR. Therefore, the applicant's awards and decorations request was sent to the Air Force Personnel Center (AFPC) for review and/or corrective action. Based on the forgoing, the applicant's case was closed. The applicant was also informed if AFPC was unable to resolve his awards and decorations request, AFPC would resubmit the request to the AFBCMR on his behalf.

On 23 Apr 20, the Air Force Personnel Center (AFPC) Recognition Team informed the applicant they were unable to verify award of the AFEM. They invited the applicant to provide source documents placing him in the area of responsibility and informed him he should send them to AFPC within 30 days of the date of their letter. After 30 days, the case would be referred to the Board.

On 9 Oct 21, the Board received an AFPC/DP3SP advisory opinion. In view of the applicant's original contention and concerns expressed in their 3 Jun 19 application, the AFBCMR staff reopened their case in order for the Board to consider the award of AFEM.

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Controlled by: SAF/MRB
CUI Categories: SP-MIL/SP-PRVCY
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying award of the AFEM. DP3SP is unable to verify award of the AFEM based on the official record and the documentation provided by the applicant. Correspondence was sent to the applicant on 23 Apr 20, requesting additional documentation to possibly administratively correct the applicant's official record and award the AFEM. The applicant responded on 22 May 20; however, was unable to provide documentation in support of verification of the AFEM.

Per Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*, 10 Jun 19: A14.5, the Armed Forces Expeditionary 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.

A14.5.1.1, 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.

The applicant did not provide any documentation to verify he was in Korea for 30 consecutive days or 60 non-consecutive days, therefore, to grant relief would be contrary to the criteria established by law, the Secretary of the Air Force per 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 20 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, 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-2019-03002 in Executive Session on 8 Aug 22:

Work-Product [Redacted] Panel Chair
[Redacted], Panel Member
Work-Product [Redacted] Panel Member

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

- Exhibit A: Application, DD Form 149, dated 3 Jun 19.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 9 Oct 21.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 20 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.

3/27/2023

Work-Product [Redacted]

Board Operations Manager, AFBCMR
Signed by: USAF