

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2019-03579

XXXXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

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

- a. Air Force Commendation Medal (**Will be Administratively Corrected**).
- b. Air Force Overseas Ribbon-Long Tour.
- c. Air Force Overseas Ribbon-Short Tour.
- d. Air Force Combat Action Medal.
- e. Vietnam Commemorative Medal.
- f. Vietnam 50th Anniversary Commemorative Medal.
- g. U.S. Air Force Commemorative Medal.
- h. U.S. Air Force Honorable Discharge Commemorative Medal.
- i. Combat Service Commemorative Medal.
- j. Armed Forces Expert Marksmanship Commemorative.

### APPLICANT'S CONTENTIONS

He served consecutive tours - one year in Vietnam and two years in Germany. His responsibility while on tour in Vietnam was to deliver munitions from the line delivery area to the flight line as required. This assignment also required ground transportation of munitions to and from other air bases. He was also an active Augmentee assigned to the Security Police.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a former Air Force staff sergeant (E-5).

According to DD Form 4, *Enlistment Contract- Armed Forces of the United States*, on 28 April 1969, the applicant entered active duty for a period of four years in the grade of airman basic.

According to DD Form 214, on 23 June 1973, the applicant was honorably released from active duty and transferred to the Air Force Reserve. He served 4 years, 1 month and 16 days of total

active service and was credited with 2 years, 11 months and 15 days of Foreign and/or SEA service.

According to Form 6, the applicant's DD Form 214 will be corrected to reflect award of the Air Force Commendation Medal.

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

#### **APPLICABLE AUTHORITY/GUIDANCE**

AFMAN 36-2806, *Awards and Memorialization Program*, dated 10 June 2019

3.48. Commemorative Medals. Various commercial vendors offer commemorative medals that recognize historical events, campaigns, or service, such as the D-Day Invasion, the Battle of the Bulge, overseas tours, or combat service. These medals are not issued by DoD, the Air Force, or any other Military Service. As such, and in accordance with AFI 36-2903, these medals and corresponding ribbons are not authorized for wear on official military uniforms.

#### **AIR FORCE EVALUATION**

AFPC/DP3SP recommends denying all medals with the exception of the Air Force Commendation Medal. After a thorough review of the applicant's official military personnel record and provided documentation to possibly provide administrative relief, AFPC/DP3SP was able to verify award of the Air Force Commendation Medal per Special Order XXX, dated 2 May 1971. Accordingly, the applicant's record will be administratively corrected.

AFPC/DP3SP was unable to verify award of the Air Force Overseas Ribbon-Short Tour, Air Force Overseas Ribbon-Long Tour, Air Force Combat Action Medal, Vietnam Commemorative Medal, Vietnam 50th Anniversary Commemorative Medal, U.S. Air Force Commemorative Medal, U.S. Air Force Honorable Discharge Commemorative Medal, Combat Service Commemorative Medal, and the Armed Forces Expert Marksmanship Commemorative.

Per Air Force Manual 36-2806, 10 June 2019, A14.25: The Air Force Overseas Ribbon (Short and Long Tour) were established on 12 October 1980 to recognize completion of an overseas tour. A14.25.1.1. Prior to 6 January 1986, the ribbon was awarded to Regular Air Force, Air National Guard and Air Force Reserve members credited with completion of an overseas tour on or after 1 September 1980. Regular Air Force, Air National Guard and Air Force Reserve members serving on or after 6 January 1986, may reflect all Air Force overseas tours credited during their career.

Per Air Force Manual 36-2806, 10 June 2019, A14.17: Nomination for the Air Force Combat Action Medal is restricted to members of the U.S. Armed Forces who on or after 11 September 2001 deliberately go into the enemy's domain (outside the wire) to conduct official duties, either on ground or in the air, and have come under enemy fire by lethal weapons while performing those duties, and are at risk of grave danger; or while defending the base (inside/on the wire),

member came under fire and engage the enemy with direct and lethal fire, and are at risk of grave danger; or are personnel in ground operations who actively engage the enemy with direct and lethal fire also may qualify even if no direct fire is taken, as long as there was risk of grave danger and meets other criteria.

The applicant's dates of service were prior to the award inclusive dates for award of the Air Force Overseas Ribbon-Short Tour, Air Force Overseas Ribbon-Long Tour, and the Air Force Combat Action Medal; therefore, rendering the applicant ineligible. To grant relief would be contrary to the criteria established by AFMAN 36-2806.

Commemorative Medals are primarily a celebratory display medal rather than official awards or decorations of the United States Air Force or Department of Defense. AFPC/DP3SP was unable to verify award of commemorative medals nor can they be updated to the his DD Form 214, as they are not official United States Air Force or Department of Defense 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 3 November 2021 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-2019-03579 in Executive Session on 6 April 2022:

, 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 1 July 2019.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 9 October 2021.  
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 3 November 2021.

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.

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Board Operations Manager, AFBCMR