



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-2019-03597

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NOT INDICATED

APPLICANT'S REQUEST

His DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, with a separation date of 18 May 1970, Item 24, *Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized*, be amended to reflect the following awards:

- a. Presidential Unit Citation (**Administratively corrected**).
- b. Republic of Vietnam Gallantry Cross with Palm (**Administratively corrected**).
- c. Air Force Outstanding Unit Award with Bronze Oak Leaf Cluster.

APPLICANT'S CONTENTIONS

The contested awards were omitted from his DD Form 214. He should be awarded the Presidential Unit Citation for his service from 1 October 1969 to 1 December 1969, the Air Force Outstanding Unit Award with Bronze Oak Leaf Cluster for his service from 1 July 1968 to 1 December 1969, and the Vietnam Gallantry Cross with Palm for his service from 15 September 1967 to 1 December 1969.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 24 August 1966, according to DD Form 214, the applicant, with four years of prior service reenlisted in the Regular Air Force for a period of four years. On 18 May 1970, the applicant was honorably discharged. He was credited with 7 years, 8 months, and 25 days of total active service including 1 year, 10 months, and 8 days of Foreign and/or SEA service.

On 10 May 2021, the Air Force Personnel Center (AFPC) Recognition Team advised the applicant they were able to verify he qualified for award of the Presidential Unit Citation, Republic of Vietnam Gallantry Cross with Palm and the Air Force Outstanding Unit Award with Valor. However, they were unable to verify an additional award for the Air Force Outstanding Unit Award. They asked the applicant to provide additional source documents within 30 days, such as paid travel vouchers, AF Form 7, *Airman Military Record*, AF Form 104, *Service Medal Award Verification*, and/or evaluation reports placing him with a unit during the time the unit was awarded the Air Force Outstanding Unit Award.

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Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

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

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying award of the Air Force Outstanding Unit Award with one Bronze Oak Leaf Cluster. According to Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*, the Air Force Outstanding Unit Award was established by the Secretary of the Air Force on 6 January 1954, to recognize numbered units that have distinguished themselves by exceptionally meritorious service or outstanding achievement that clearly sets the unit above and apart from similar units. The Air Force Outstanding Unit Award may also be awarded for achievements of national or international significance, combat operations against an armed enemy of the United States, or military operations involving conflict with or exposure to hostile actions by an opposing foreign force. The authorized device to denote entitlement to an additional award is an Oak Leaf Cluster.

After a thorough review of the official military personnel record, they were unable to verify award of the Air Force Outstanding Unit Award with one Bronze Oak Leaf Cluster. In addition, correspondence was sent to the applicant on 10 May 2021, requesting additional documentation to possibly administratively correct his record. Unfortunately, as of the date of this advisory a response has not been received from the applicant. To grant relief would be contrary to the criteria established by AFMAN 36-2806.

Notwithstanding, they were able to verify the applicant's eligibility for the Korean Defense Service Medal, Air Force Longevity Service Award, Presidential Unit Citation, Republic of Vietnam Gallantry Cross with Palm, and the Air Force Outstanding Unit Award with Valor. Accordingly, the applicant's records 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 22 December 2022 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 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, other than the

administrative corrections made to the applicant's records, the Board finds the application untimely and recommends against correcting the applicant's records.

4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2019-03597 in Executive Session on 16 March 2023:

- Work-Product* [Redacted], Panel Chair
- Work-Product* [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, w/atchs, dated 9 July 2019.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 15 December 2022.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 22 December 2022.

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.

4/21/2023

X *Work-Product* [Redacted]

Board Operations Manager, AFBCMR
Signed by: *Work-Product* [Redacted]