

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2019-04109

XXXXXXXXXXXXXXXXXX.

COUNSEL: XXXXX

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Armed Forces of The United States Report of Transfer or Discharge*, effective 21 Jul 72, be corrected to reflect the following awards:

- a. Southeast Asia Service Medal
- b. Republic of Vietnam Campaign Medal (VCM)
- c. Vietnam Service Medal (VSM) (**administratively corrected**)

APPLICANT'S CONTENTIONS

He earned those awards while on temporary duty to the Republic of Vietnam supporting Special Project **Work-Product**

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force sergeant (E-4).

According to his AF Form 1712, *Uniform Military Personnel Record*, he was TDY to Vietnam from **Work-Product** to **Work-Product** for a total of 169 days.

On 30 Jan 20, the Air Force Personnel Center (AFPC) Recognition Team informed the applicant that although they were able to verify award of the Vietnam Service Medal with two Bronze Service Stars, they were unable to verify the award of the Vietnam Campaign Medal and requested he provide additional documentation placing him in the area of responsibility for an aggregate of 6 months and if AFPC did not receive the additional documents pertaining to his request within 30 days, his case would be referred to the Board. Furthermore, they informed him that the Southeast Asia Service Medal is not an official award of the Air Force and is not authorized on the DD Form 214.

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

APPLICABLE AUTHORITY/GUIDANCE

Air Force Manual (AFMAN) 36-2608, *Awards And Memorialization Program*. The VSM is awarded to any member of the U.S. Armed Forces serving in Vietnam, contiguous waters, or air space, including service in Thailand, Laos, Cambodia, or their air space, on or after 4 July 1965 through 28 March 1973. To qualify for award of the VSM, a member must be attached to or regularly serve for one or more days with an organization participating in or directly supporting military operations, or serve on temporary duty for 30 consecutive days or 60 nonconsecutive days in Vietnam or contiguous areas, except that time limit may be waived for personnel participating in actual combat operations.

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the applicant's request for award of the VCM and Southeast Asia Service Medal. After a thorough review of the applicant's official military personnel record, verification was made for award of the Vietnam Service Medal with two Bronze Service Stars and his records will be administratively correct. However, verification of eligibility for the applicant's award for the VCM could not be accomplished due to insufficient documentation. The applicant was advised to provide additional documentation to possibly have his records administratively corrected to reflect award of the VCM; however, a response was never received from the applicant.

The Southeast Asia Service Medal is not an official award or decoration of the Department of Defense or the United States Air Force and therefore is not authorized on the DD Form 214.

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 1 Dec 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 in regards to award for the VCM and Southeast Asia Service Medal. 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)*. 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 beyond that rendered administratively.

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-2019-04109 in Executive Session on 19 Apr 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, w/atchs, dated 8 Aug 19.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 11 Oct 21.
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 1 Dec 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.

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Board Operations Manager, AFBCMR