



CUI//SP-MIL/SP-PRVCY
UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2019-04288

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

1. He be awarded the Air Force Outstanding Unit Award (AFOUA) (**administratively corrected with AF Form 6**)
2. He be awarded the Presidential Unit Citation (PUC).
3. He be awarded the Vietnam Service Medal (VSM).

APPLICANT'S CONTENTIONS

While recently attempting to apply for a Vietnam license plate, the applicant discovered the AFOUA, PUC, and VSM, were not reflected on his DD Form 214, *Report of Separation from Active Duty*, for time served during the Vietnam Era. The applicant believes he earned the awards and medals while he served on active duty.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 26 May 72, according to DD Form 214, provided by the applicant, he entered active duty and was discharged on 25 Apr 75. He was not credited with foreign and/or sea service.

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

APPLICABLE AUTHORITY/GUIDANCE

DAFMAN 36-2806, *Military Awards: Criteria and Procedures*

A9.1. Presidential Unit Citation. The award (formerly named the Distinguished Unit Citation prior to 1965) highest unit award. It is awarded in the name of the U.S. President to units of the U.S. Armed Forces and cobelligerent nations, for extraordinary heroism in action against an armed enemy on or after 7 December 1941.

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A10.1.1. Eligibility. The unit must have displayed such gallantry, determination, and esprit de corps in accomplishing its mission under extremely difficult and hazardous conditions to have set it apart and above other units participating in the same campaign.

A9.1.1.1. The degree of heroism required is the same as that which would be required of an Air Force Cross to an individual.

A9.1.1.2. Being on combat duty for an extended period or participating in a large number of operation missions, either ground or air, is not sufficient to justify the Presidential Unit Citation. The award is normally be earned by units that have participated in a single action or successive actions covering relatively brief time spans.

A9.1.1.3. Only on rare occasions does a unit higher than a wing qualify for this award. A10.1.1.4. Members entitled to wear both the Distinguished Unit Citation and Presidential Unit Citation may wear an oak leaf cluster on the Distinguished Unit Citation ribbon to denote entitlement to both awards.

A15.13. Vietnam Service Medal. The Vietnam Service Medal 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 airspace, on or after 4 July 1965 through 28 March 1973.

A15.13.1. To qualify for award of the Vietnam Service Medal a member must meet one of the following qualifications (T-0):

A15.13.1.1. Be attached to or regularly serve for 1 or more days with an organization participating in or directly supporting military operations.

A15.13.1.3. Actually participate as a crewmember in one or more aerial flights into airspace above Vietnam and contiguous waters directly supporting military operations.

A15.13.1.4. 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 application. The applicant requested to be awarded the Air Force Outstanding Unit Award (AFOUA), the Presidential Unit Citation (PUC), and the Vietnam Service Medal (VSM). AFPC/DP3SP verified the applicant was eligible for the AFOUA and administratively corrected the applicant's personnel record. AFPC was unable to verify the applicant was assigned or attached to a unit that qualified for the PUC, which rendered the applicant ineligible for the award. Additionally, AFPC was unable to verify the applicant served in the area of responsibility required for of the VSM, which therefore rendered him ineligible for the medal.

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 Dec 22 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 found no evidence the applicant was assigned or attached to a unit that qualified for the PUC or that the applicant served in the area of responsibility that qualified him for the VSM. 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.

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-2019-04288 in Executive Session on 30 May 23:

<i>Work-Product</i>	Panel Chair
<i>Work-Product</i>	Panel Member
<i>Work-Product</i>	Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 14 Aug 19.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 14 Dec 22
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 22 Dec 22.

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.

8/2/2023

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