

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2019-04691

XXXXXXXXXX

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. Award of the Republic of Vietnam Gallantry Cross with Palm (RVNGM w/P) **(ADMINISTRATIVELY CORRECTED)**
- b. Award of the Air Medal (AM).
- c. Award of the Meritorious Service Medal (MSM).
- d. Any other awards he may be entitled to.

APPLICANT'S CONTENTIONS

He was on temporary duty assignment to the XXX in January 1968, during the TET Offense. He flew combat missions in XXX as a C-130 Loadmaster and was informed that he would be awarded the AM. He was also informed that he would be put in for the MSM for his service with Lockheed Martin to fly as a Loadmaster Instructor for the XXXX.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force master sergeant (E-7).

According to DD Form 214, on 31 March 1976, the applicant was relieved from active duty in the grade of master sergeant and retired on 1 April 1976, after serving 21 years, 8 months, 20 days of total active service.

On 10 February 2020, AFPC Recognition Team advised the applicant that they were able to verify award of the RVNGM w/P. However, they were unable to verify award of the AM and the MSM. He was asked to provide a complete decorations package to include: a signed recommendation from someone with firsthand knowledge of the act/achievement,

preferably from someone within his chain of command at the time of the act/achievement and a proposed citation: Narrative must be signed by the recommending official (recommending official must be in your chain of command and have firsthand knowledge) and eyewitness statements.

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

A2.12. **Air Medal.** The medal was authorized by EO 9158, 11 May 1942, as amended by EO 9242-A, 11 September 1942. The medal is awarded to any person who, while serving in any capacity with the Air Force, distinguishes himself or herself by meritorious achievement while participating in an aerial flight.

A2.12.1. Eligibility.

A2.12.1.1. The medal may be awarded for combat or non-combat action in recognition of single acts of valor, heroism, or merit while participating in an aerial flight. Both heroism and achievement are entirely distinctive, involving operations that are not routine.

A2.12.1.2. The medal is not awarded for sustained operational activities and flights.

A2.12.1.3. The required achievement to warrant award of the Air Medal is less than that required for the Distinguished Flying Cross, and is accomplished with distinction above and beyond that expected of professional Airmen.

A2.12.1.4. Crewmembers of remotely piloted aircrafts are not authorized the Air Medal. However, they may be awarded the Aerial Achievement Medal.

A2.12.1.5. The medal may be awarded to foreign military personnel in actual combat in support of operations.

A2.11. **MSM.** The medal was authorized by EO 11448, 16 January 1969. The medal is awarded to any Service member, or to any member of the armed forces of a friendly foreign nation, who has distinguished himself or herself by outstanding meritorious achievement or service.

A2.11.1. Eligibility.

A2.11.1.1. Normally the acts or services rendered are comparable to that required for the Legion of Merit, but in a duty of lesser though considerable responsibility.

A2.11.1.2. The medal may be awarded for outstanding achievement or service while serving in a combat zones, combat zone tax exclusion areas, and areas authorized for hostile fire pay, imminent danger pay, or hazardous duty pay. However, the Bronze Star Medal is the appropriate equivalent level award to recognize meritorious achievement or service performed under combat conditions.

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the AM and MSM. After a thorough review of the official military personnel record to possibly provide administrative relief, AFPC/DP3SP was able to

verify award of the RVNGC w/P. Accordingly, the applicant's record will be administratively corrected.

AFPC/DP3SP was unable to verify award of the AM and VSM based on the official record and the documentation provided by the applicant. Correspondence was sent to the applicant on 10 February 2020, requesting additional documentation to possibly administratively correct the applicant's official record and award the AM and VSM. Unfortunately, as of the date of this memo a response has not been received from the applicant and therefore unable to administratively correct due to insufficient documentation verifying eligibility of the AM and VSM.

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 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, other than the administrative correction made to his record, 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-2019-04691 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 10 September 2019.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 11 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