

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2019-01173

XXXXX XXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

### APPLICANT'S REQUEST

Award of the Humanitarian Service Medal (HSM).

### APPLICANT'S CONTENTIONS

He served in support of Operation **Work-Product** and should have received the HSM.

In support of his request, the applicant provided a certificate of appreciation for his service at a Vietnamese Refugee Camp at **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 the DD Form 214, *Report of Separation from Active Duty*, the applicant served in the Regular Air Force from 31 Aug 72 through 30 Aug 76. He was credited with 4 years of active duty service and 2 years and 3 months of Foreign Service time. Item 26, *Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized*, reflects award of the National Defense Service Medal (NDSM), Air Force Longevity Service Award (AFLSA) and Air Force Good Conduct Medal (AFGCM).

According to AF Forms 910, *TSgt, SSgt and Sgt Performance Report*, with close out dates of 28 May 75 and 3 Sep 75, the applicant's reporting official documented his participation in Operation **Work-Product** while assigned to **Work-Product**.

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 36-2806, *Award and Memorialization Program*. The HSM may be awarded to members of the U.S. Armed Forces who, subsequent to 1 Apr 75, distinguished themselves as individuals or as members of U.S. military units or ships, by meritorious, direct participation in a significant military act, or operation of a humanitarian nature. Direct participation is defined as being physically present at the designated location, having directly contributed to and influenced the action. Designated location is the immediate site(s) of the humanitarian operations as defined by the Presidential request for assistance in the U.S., or the Department of State for overseas areas. Specifically excluded from eligibility for the HSM are service members or

elements remaining at geographically separated locations, or who were assigned to the location, but did not make a direct contribution to nor influenced the action.

Operation **Work-Product** for the period 1 Apr 75 – 1 Nov 75, is a military operation that has been approved for award of the HSM. The area of eligibility is Vietnam.

## **AIR FORCE EVALUATION**

AFPC/DP3SP recommends denying the application. After a thorough review of the applicant's military personnel record and the provided documentation, they were unable to verify the applicant served in the area of eligibility, rendering him ineligible for award of the HSM.

According to the list of Department of Defense Humanitarian Operations, the area of eligibility for Operation **Work-Product** is Vietnam. The applicant provided support from **Work-Product**.

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 2 Nov 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. While the applicant did provide a Certificate of Appreciation for his support in Operation **Work-Product** and two of his AF Forms 910 documented his participation, his support/participation was provided from **Work-Product**, which was not within the area of eligibility for award of the medal. Therefore, 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)*. 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.
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 evidence did not demonstrate material error or injustice, 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-2019-01173 in Executive Session on 17 Mar 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 17 Dec 18.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 6 Oct 21.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 2 Nov 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.

**X**

---

Board Operations Manager, AFBCMR