

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2019-01742

XXXXX XXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

His DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, dated 24 Oct 67, be amended to reflect the following:

- a. Republic of Vietnam Campaign Medal.
- b. Vietnam Service Medal (**Administratively corrected**).

### APPLICANT'S CONTENTIONS

He was sent on temporary duty (TDY) to Vietnam in Nov 65 and Jul 66.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a former Air Force airman first class (E-4).

On 28 Oct 65, Special Order **Work-Product** was published naming the applicant as a member deploying to the Republic of Vietnam, with a proceed on or about date of 3 Nov 65 for approximately 59 days.

On 20 Jul 66, Special Order **Work-Product** was published naming the applicant as a member deploying to the Republic of Vietnam, with a proceed on or about date of 22 Jul 66 for approximately 60 days.

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) 36-2806, *Awards and Memorialization Program*. The Republic of Vietnam Campaign Medal is awarded to members of the United States Armed Forces who, between 1 Mar 61 and 28 Mar 73, served for 6 months in South Vietnam, or, served outside the geographical limits of South Vietnam and contributed direct combat support to the Republic of Vietnam Armed Forces for an aggregate of 6 months. Only members of the United States Armed Forces who meet the criteria established for the Armed Forces Expeditionary Medal or the Vietnam Service Medal during the period of service required are considered to have contributed direct combat support to the Republic of Vietnam Armed Forces; or, did not complete the length of service required, but who, during wartime, were: wounded by the enemy (in a military action), captured by the enemy during action or in the line of duty, but later rescued or released, killed in

action or in the line of duty; or were assigned in Vietnam on 28 Jan 73, and served in Vietnam for the entire period between 29 Jan 73 to 28 Mar 73.

### **AIR FORCE EVALUATION**

AFPC/DP3SP recommends denying award of the Republic of Vietnam Campaign Medal. After a thorough review of the applicant's military personnel record, they were unable to verify award of the Republic of Vietnam Campaign Medal. The TDY orders provided by the applicant cannot be used as supporting evidence because they are subject to cancellation. Furthermore, the approximate number of days on the TDY orders do not meet the criteria for award of the Republic of Vietnam Campaign Medal. To grant relief would be contrary to the criteria established by DoDM 1348.33, *Manual of Military Decorations and Awards* and AFMAN 36-2806 (as well as previous versions).

Notwithstanding the above, they were able to verify the applicant's eligibility for the Vietnam Service Medal, accordingly, the applicant's records have been 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 12 Oct 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. 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, other than the administrative correction AFPC/DP3SP has made to the 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-2019-01742 in Executive Session on 21 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 23 Jan 19.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 9 Oct 21.  
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 12 Oct 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