

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2019-02516

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 include the following decorations:

- a. Vietnam Service Medal (VSM).
- b. Republic of Vietnam Campaign Medal (RVCM).

APPLICANT'S CONTENTIONS

He did not receive his VSM nor RVCM for serving in the Vietnam War for 140 days while attached to the [redacted] *Work-Product* and [redacted] *Work-Product*, [redacted] *Work-Product*. When he applied for benefits from the Department of Veterans Affairs, they had no record of his service in Vietnam. Additionally, he would like to wear the VSM and RVCM at ceremonies when he greets visitors to the Texas Vietnam Veterans Memorial.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an honorably discharged Air Force sergeant (E-4).

On 24 Jan 66, according to DD Form 214, the applicant entered the Regular Air Force.

According to AF Form 910, *TSgt, SSgt and Sgt Performance Report*; and AF Form 77, *Supplemental Sheet to Rating*, excerpts) submitted by the applicant, during the period of 12 Nov 68 through 18 Jun 69, he performed tasks associated with a classified project while assigned to the [redacted] *Work-Product* Operation Section, in the Republic of the Philippines.

On 18 Dec 69, according to DD Form 214, the applicant was honorably discharged having served 3 years, 10 months and 25 days of active service to include 1 year, 1 month and 2 days of Foreign Service.

On 21 Mar 20, the Air Force Personnel Center (AFPC) Recognition Team sent the applicant a letter notifying him they were unable to verify award of the VSM and the RVCM. They requested the applicant send any source documents that would verify he met the criteria for award of the VSM and the VCM. No response was received.

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

APPLICABLE AUTHORITY/GUIDANCE

Air Force Manual 36-2806, *Awards and Memorialization Program*. According to paragraph A.15.2, the VSM was awarded to all members of the United States Armed Forces who served in Vietnam or contiguous waters or airspace on or after 4 Jul 65, and before 28 Mar 73. In addition, personnel serving in Thailand, Laos, or Cambodia in direct support of operations in Vietnam during the same period also were eligible for the Vietnam Service Medal. To be eligible, a service member must be: permanently assigned, attached, or detailed for one, or more, days with an organization participating in or directly supporting ground (military) operations; permanently assigned, attached, or detailed for one, or more, days aboard a naval vessel directly supporting military operations; have actually participated as a crew member in one or more aerial flights directly supporting military operations; have served on temporary duty for 30 consecutive days or 60 non-consecutive days.

According to paragraph A12.9.5, the RVCM 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 VSM 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.

Extracts of the guidance can be found at Exhibit B.

AIR FORCE EVALUATION

AFPC/DP3AM recommends denying the application. After reviewing information provided by the applicant and his master personnel records, they were able to verify Foreign Service in the Republic of the Philippines but unable to verify any foreign service in the Republic of Vietnam.

The complete advisory opinion is at Exhibit C.

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the application. After reviewing the applicant's official military personnel record and available documentation, they were unable to verify award of the VSM or the RVCM. A letter dated 21 Mar 20 was sent to the applicant requesting any documentation to validate his request; however, no response was received. To grant relief would be contrary to the criteria established by DoDM 1348.33, *Manual of Military Decorations and Awards and AFMAN 36-2806*.

The complete advisory opinion is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 20 Oct 21 for comment (Exhibit E), 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 applicant has not established that he meets the criteria for the VSM or the RVCM according to AFMAN 36-2806. Therefore, the Board concurs with the 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, 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-2019-02516 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 24 Apr 19.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3AM, w/atchs, dated 18 Feb 20.
- Exhibit D: Advisory Opinion, AFPC/DP3SP, w/atchs, dated 9 Oct 21.
- Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 20 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