

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2019-03106

XXXXXXXXXXXXXXXXXX

COUNSEL: XXXXXXXX

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, be corrected to reflect the Vietnam Service Medal.

APPLICANT'S CONTENTIONS

His unit, the xxxx Security Group flew the Combat Apple mission in support of combat activities in Vietnam. His flight record shows 1791 combat hours flown during the years of 1971-1973. He believes all flight crews earned the award and it was inadvertently left off his DD Form 214.

He was stationed at *Work-Product* *rk-Product*, and has never claimed he was assigned in Vietnam. However, an assignment to Vietnam is not required for the Vietnam Service Medal. The relevant language for the Vietnam Service Medal states: (1) Be attached to or regularly serve for one or more days with an organization participating in or directly supporting military operations; or (2) Actually participating as a crewmember in one or more aerial flights into airspace above Vietnam and contiguous waters directly supporting military operations.

These two provisions clearly apply to the Combat Apple missions flown out of *Work-Prod...*, as well as the B-52 missions flown out of *Work-Pro...*. Furthermore, even though being part of the xxxxth would not in itself mean he participated in Combat Apple missions, his total combat hours certainly exceeds the one-day requirement for the Vietnam Service Medal. Since he is not aware of any other combat theatre than Vietnam, his combat hours must have been there.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force staff sergeant (E-5).

On 3 Nov 69, according to *DD Form 4, Enlistment Contract - Armed Forces of the United States*, the applicant entered the Regular Air Force.

On 6 Sep 73, according to DD Form 214, the applicant was released from active duty with an honorable character of service. He was credited with 2 years and 5 months of Foreign Service.

On 25 Mar 21, the Air Force Personnel Center (AFPC) Recognition Team informed the applicant they were unable to verify award of the Vietnam Service Medal. They invited the applicant to provide source documents placing him in the area of responsibility and informed him he should send them to AFPC within 30 days of the date of their letter. After 30 days, the case would be referred to the Board.

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

AIR FORCE EVALUATION

AFPC/DP3AM recommends denying the application. A review of the applicant's official military personnel record, and documentation provided by the applicant did not contain any information that reflected he served in the [Work-Product].

The complete advisory opinion is at Exhibit C.

AFPC/DP3SP recommends denying the application. According to Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*, paragraph A15.2, 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 air space, on or after 4 Jul 65 through 28 Mar 73. To qualify for award of the Vietnam Service Medal a member must meet one of the following qualifications: Be attached to or regularly serve for one or more days with an organization participating in or directly supporting military operations; Be attached to or regularly serve for 1 or more days aboard a naval vessel directly supporting military operations; Actually participate as a crewmember in one or more aerial flights into airspace above Vietnam and contiguous waters directly supporting military operation; 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.

A thorough review of the applicant's official military record, along with his submission failed to verify award of the Vietnam Service Medal. In addition, on 25 Mar 21, they requested the applicant provide additional documentation in order to possibly administratively correct his official record. The applicant responded on 8 Apr 21; however, he was unable to provide any evidence to support he was eligible for the Vietnam Service Medal. The applicant flew missions between [Work-Product] AB, [Work-Pr...], and [Work-Pro...], and neither are authorized areas of responsibility for award of the Vietnam Service 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.

The complete advisory opinion is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent copies of the advisory opinions 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 Board concurs with the rationale and recommendation 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-2019-03106 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 18 Jun 19.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, AFPC/DP3AM, dated 18 Apr 20.
Exhibit D: Advisory Opinion, AFPC/DP3SP, 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.

X

Board Operations Manager, AFBCMR