

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2020-00120

XXXXXXX

COUNSEL: XXXXX

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Armed Forces of The United States Report of Transfer or Discharge*, effective 24 February 1969 be updated to reflect that he was awarded the following:

- a. Korean Defense Medal (*sic*) Korean Defense Service Medal (KDSM) (*administratively corrected*).
- b. Air Force Outstanding Unit Award with Valor and one Silver Oak Leaf Cluster (AFOUA w/V and SOLC) (*partially administratively corrected*).
- c. Presidential Unit Citation with one Bronze Oak Leaf Cluster (PUC w/BOLC).
- d. Southwest Asian Campaign Medal (*sic*) with one Silver Service Star (Southwest Asia Service Medal (SWASM)).
- e. Republic of Vietnam Gallantry Cross Unit Citation (RVNGCUC).
- f. Republic of Vietnam Gallantry Cross with Palm (RVNGC w/P) (*administratively corrected*).

APPLICANT'S CONTENTIONS

His DD Form 214, through internet research, does not truly reflect the decorations, medals, badges, commendations, citations, and campaign ribbons he was awarded or authorized. He is entitled to the KDSM due to his assignment to the XX Materiel Squadron, **Work-Product** (AB), Korea, during the period of 15 May 1966 to 10 June 1967. His Vietnam service at **Work-P...** **Work-Product**, specifically the XXXth Munitions Maintenance Squadron, warrants award of the AFOUA w/Valor for the periods of 1967, 1967-1968, 1969-1970, and 1970-1971, the PUC for combat support during the period of 1966-1967, the Southwest Asia Campaign Medal for a total of five operations during the period of 1966-1969, and the RVNGCUC for support of combat air operations during the period of 1966-1971.

He received a temporary duty (TDY) order for 60 days to the XXXth Munitions Maintenance Squadron, **Work-Product** while serving at **Work-P...Work-Product**. His Vietnam service during his TDY warrants award of the PUC for the period of 1 July-31 December 1968, the AFOUA w/Valor for the period of 1 April 1967-30 June 1968 and 1 April 1969-31 March 1970, and the RVNGC w/P for the period of 1 March 1967-30 March 1970.

His DD Form 214 should be updated to reflect his true service for Veterans Affairs benefits.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an honorably separated Air Force sergeant (E-4). His DD Form 214, effective 24 February 1969, reflects his period of active duty service from 24 November 1965 – 24 February 1969 and credits him with 2 years and 25 days of Foreign Service.

According to his AF Form 7, *Airman Military Record*, block 2, Foreign Service:

- a. Korea: 10 May 1966 – 7 June 1967
- b. Vietnam: 8 June 1967 – 4 June 1968

For more information, see the excerpt of the applicant's record at Exhibit B, the applicable authority/guidance, and the advisory at Exhibit C.

APPLICABLE AUTHORITY/GUIDANCE

Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*, 10 June 2019:

Korean Defense Service Medal (KDSM): The medal was authorized by 10 United States Code Section 9286, to recognize qualifying members of the United States Armed Forces who have served in the Republic of Korea subsequent to 28 July 1954. The medal is awarded to members who, during the period of the award, were permanently assigned, attached, or detailed for 30 consecutive or 60 non-consecutive days to a unit operating in the area of eligibility or who met one of the following criteria, regardless of time spent in the area of eligibility: (a) engaged in actual combat or (b) killed in the line of duty, wounded or injured and evacuated.

Vietnam Service Medal (VSM): The medal is awarded to any member of the United States Armed Forces serving in Vietnam, contiguous waters, or air space, including service in Thailand, Laos, Cambodia, or their air space, on or after 4 July 1965 through 28 March 1973. To qualify for award of the VSM, a member must meet one of the following qualification: (a) attached to or regularly serve for 1 or more days with an organization participating in or directly supporting military operations, (b) attached to or regularly serve for 1 or more days aboard a naval vessel directly supporting military operations, (c) Actually participate as a crewmember in one or more aerial flights into airspace above Vietnam and contiguous waters directly supporting military operations, or (d) 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.

Campaign Medal: Recognize long-duration combat operations and are associated with the highest level of personal risk and hardship. They are awarded to Service members who are deployed to the geographic areas where the combat is actually occurring. Service members deployed to areas where combat is occurring as a result of prolonged or large-scale military combat operations should be recognized with a separate and distinct campaign medal. Only one campaign medal is authorized for the same act, achievement, or period of service, unless the criteria authorize multiple awards.

Oak Leaf Cluster: The bronze oak leaf cluster is used for the 2nd through 5th, 7th through the 10th, etc., entitlement or award. A silver oak leaf cluster is used for the 6th, 11th, and so forth, entitlement or award, or instead of five bronze oak leaf clusters.

AIR FORCE EVALUATION

AFPC/DP3SP recommends denial of the applicant's request for award of the PUC w/BOLC and AFOUA w/V & 3BOLC. Also, denial was made for award of the VSM w/3BSS. According to AFMAN 36-2806, the PUC, formerly named the Distinguished Unit Citation prior to 1965, was established by Executive Order 10694. It is the Nation's highest unit award and is awarded in the name of the United States President to units of the United States Armed Forces and cobelligerent nations, for extraordinary heroism in action against an armed enemy on or after 7 December 1941. For eligibility, the unit must have displayed such gallantry, determination, and esprit de corps in accomplishing its mission under extremely difficult and hazardous conditions to have set it apart and about other units participating in the same campaign. The award is normally earned by units that have participated in a single action or successive actions covering relatively brief time spans. The AFOUA was established by the Secretary of the Air Force on 6 January 1954, to recognize numbered units that have distinguished themselves by exceptionally meritorious service or outstanding achievement that clearly sets the unit above and apart from similar units. Also, in accordance with AFMAN 36-2806, the AFOUA is awarded to numbered units such as air forces, air divisions, wings, groups, squadrons, provisional units, and medical facilities. Units below squadron level are not eligible for the AFOUA.

The applicant's assignment or attachment to a unit that received the PUC and his assignment or attachment to a unit warranting three additional AFOUAs could not be verified. His dates of service were either prior to or past the award inclusive period for these awards.

After a thorough review of the applicant's official military personnel record, verification was made for award and authorization of the KDSM, AFOUA w/V & 2BOLC, RVNGC w/P, and VSM w/3BSS. The applicant requested award of the RVNGCUC and the RVNGC w/P. It was determined the applicant's request was for two (2) RVNGC w/P. However, according to AFMAN 36-2806, only one Republic of Vietnam Gallantry Cross Unit Citation with Palm is worn regardless of the number of awards received. Therefore, the applicant was granted award for one RVNGC w/P. Also, while the applicant requested award of the Southwest Asian Campaign Medal with one Silver Service Star, believed to be a request for the SWASM, it was determined he should be awarded the VSM. In accordance with AFMAN 36-2806, for the VSM, a service star is authorized for each campaign in which a member is assigned or attached to and present for duty with a unit during the period in which it participated in combat. Nevertheless, verification was only made for award and authorization of the VSM w/3BSS and relief is unwarranted for the two additional Bronze Service Stars. As such, the applicant's record will be administratively corrected accordingly to reflect his authorized decorations, medals and awards.

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 9 November 2021 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 in regards to award for the Presidential Unit Citation with one Bronze Oak Leaf Cluster

and three additional Bronze Oak Leaf Clusters to the Air Force Outstanding Unit Award with Valor. 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 in part. The Board further 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 beyond that rendered administratively.

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-2020-00120 in Executive Session on 19 April 2022:

- , 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 28 October 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 9 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.

X

Board Operations Manager, AFBCMR