



CUI//SP-MIL/SP-PRVCY

**UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS**

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2020-00127

COUNSEL: *Work-Product*

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, issued 11 August 1968, be changed to reflect the following awards:

- a. Purple Heart (**Pending administrative correction**).
- b. Presidential Unit Citation (**Pending administrative correction**).
- c. Bronze Star Medal with Valor and one Bronze Oak Leaf Cluster.

APPLICANT'S CONTENTIONS

On 17 March 1969, he was awarded the Bronze Star Medal with Valor (First Oak Leaf Cluster) for heroism on 13 February 1968 while engaged in ground combat operations as a Combat Controller at Khe Sanh Combat Base, Republic of Vietnam. However, as this was after he separated it was not reflected on his DD Form 214.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force sergeant (E-4).

On 11 August 1968, according to DD Form 214, he was honorably separated and was credited with 3 years and 10 months of active service, to include 1 year, 6 months, and 2 days of foreign service. Item 24, *Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized*, reflects: National Defense Service Medal, Vietnam Service Medal with one Bronze Service Star, Air Force Good Conduct Medal, Republic of Vietnam Campaign Medal, Small Arms Expert Marksmanship Ribbon, Air Force Outstanding Unit Award, Air Medal, Air Force Commendation Medal, Bronze Star Medal with Valor, and Armed Forces Expeditionary Medal.

On 22 Nov 21, AFPC/DP1SSP published an action order requesting correction of the applicant's DD Form 214, dated 11 August 1968, to add the Purple Heart and Presidential Unit Citation.

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

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Controlled by: SAF/MRB
CUI Categories: SP-MIL/SP-PRVCY
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

AIR FORCE EVALUATION

AFPC/DP3SP (Recognition Program) recommends granting the applicant's request for the Bronze Star Medal with Valor and one Bronze Oak Leaf Cluster. According to Department of the Air Force Manual (DAFMAN) 36-2806, *Military Awards: Criteria and Procedures*, paragraph A2.9, the Bronze Star Medal was established by Executive Order 9419, dated 4 February 1944, which was superseded by Executive Order 11046, dated 24 August 1962, amended by 10 U.S.C. § 1133, further amended by Public Law 111-383 section 571. The Bronze Star Medal is awarded to any person who, while serving in or with the Air Force after 6 December 1941, has distinguished himself or herself by heroism (valor), meritorious achievement or service, not involving participation in aerial flight: while engaged in an action against an enemy of the U.S.; while engaged in military operations involving conflict with an opposing foreign force; or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the U.S. is not a belligerent party. The medal may be awarded with the "V" device for valor in combat to a lesser degree than required for award of the Silver Star. The medal may also be awarded for meritorious achievement or service during armed conflict that is of a lesser degree than that required for award of the Legion of Merit. For meritorious service that ended on or after 7 January 2016, the medal may only be awarded if during the period of the award the nominee was exposed to hostile action or was at significant risk of exposure to hostile action. Otherwise, the appropriate decoration would be the Meritorious Service Medal. After 30 October 2000, in accordance with 10 U.S.C. § 1133, the medal may only be awarded to a member of a military force who: At the time of the events for which the decoration is to be awarded, was serving in a geographic area in which hostile fire pay or imminent danger pay was authorized in accordance with 37 U.S.C. § 310, or hazardous duty pay in accordance with paragraph (1) or (3) of 37 U.S.C. § 351(a); or receives hostile fire pay or imminent danger pay in accordance with 37 U.S.C. § 310, or, hazardous duty pay in accordance with paragraph (1) or (3) of 37 U.S.C. § 351(a), as a result of the action or events justifying award. The medal may be awarded to members of the armed forces of friendly foreign nations.

Members who were awarded the Combat Infantryman Badge or Combat Medical Badge for exemplary conduct in ground combat against an armed enemy between 7 December 1941 to 2 September 1945 may apply by letter to the Department of the Army for award of the Bronze Star Medal. A copy of the general order announcing the award of either badge should be attached to the application letter, with a statement as to whether approval of the Bronze Star Medal would duplicate any previous award for the same period of service. If general orders are not available, the specific authority for the award of the badge is included in or attached to the application letter.

Although the applicant provided a signed certificate and citation, the documents were not found in the official military personnel record. Absent the special order, administrative relief is not possible. However, based on the documents provided by the applicant, which appear to be authentic, they recommend approval for award of the Bronze Star Medal with Valor and one Bronze Oak Leaf Cluster.

Notwithstanding the above, the applicant's eligibility for the Purple Heart and Presidential Unit Citation was verified. Accordingly, the applicant's record will be 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 23 May 2023 for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed, but it is in the interest of justice to excuse the delay.
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 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 substantiates the applicant’s contentions. Therefore, the Board recommends correcting the applicant’s records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show his DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, issued in conjunction with his 11 August 1968 discharge, be amended in Item 24, *Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized*, to reflect the Bronze Star Medal with Valor and one Bronze Oak Leaf Cluster.

CERTIFICATION

The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2020-00127 in Executive Session on 16 November 2023:

Work-Product [Redacted] Panel Chair
Work-Product [Redacted] Panel Member
Work-Product [Redacted] Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 15 November 2019.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DP3SP, dated 23 January 2023.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 23 May 2023.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

6/14/2024

X *Work-Product* [Redacted]

Work-Product [Redacted]
Board Operations Manager, AFBCMR
Signed by: USAF