

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2020-00407

XXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, to reflect award of the:

1. Presidential Unit Citation (PUC) with 1 Bronze Oak Leaf Cluster (PUC w/1 BOLC).
2. Air Force Outstanding Unit Award (AFOUA) with 3 Bronze Oak Leaf Clusters (AFOUA w/3 BOLCs).
3. Vietnam Service Medal (VSM).

APPLICANT'S CONTENTIONS

These were ribbons he received while serving, except for the VSM, which was authorized after he was discharged. He viewed his DD Form 214 over the years, but never noticed these medals/ribbons were missing.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an honorably discharged Air Force staff sergeant (E-5).

On 28 Jan 69, the applicant was furnished an honorable discharge and credited with 3 years, 4 months, and 14 days active service, with no credit for Foreign and/or Sea Service.

On 31 Mar 21, Headquarters, Air Force Personnel Center (HQ AFPC) Recognition Team sent the applicant a letter requesting additional source documentation such as a paid travel voucher, AF Form 7, *Airman Military Record*, AF Form 104, *Service Medal Award Verification*, and/or evaluation reports in support of his request for award of the VSM, PUC w/1 BOLC, and the AFOUA w/3 BOLCs but has not received a response.

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

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the applicant's request for award of the VSM, the PUC with one Bronze Oak Leaf Cluster, and the three Bronze Oak Leaf Clusters for the AFOUA.

In accordance with Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*, 10 Jun 19:

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 July 1965 through 28 March 1973.

A15.2.1.4. 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.

A10.1. *Presidential Unit Citation*. The award (formerly named the Distinguished Unit Citation prior to 1965), established by E.O. 10694, is the Nation's highest unit award. The Presidential Unit Citation 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.

A10.1.1. 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 above other units participating in the same campaign.

A10.4. *Air Force Outstanding Unit Award*. The award was established by SECAF 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. The Air Force Outstanding Unit Award may also be awarded for achievements of national or international significance, combat operations against an armed enemy of the United States, or military operations involving conflict with or exposure to hostile actions by an opposing foreign force.

A10.4.1. *Eligibility*.

A10.4.1.1. The Air Force Outstanding Unit Award is awarded to numbered units such as air forces, air divisions, wings, groups, squadrons, provisional units, and medical facilities (i.e. hospitals, clinics, medical centers (numbered or unnumbered)).

A10.4.1.2. Detachments, operating locations, training sites, and Air Force elements are often included in the parent unit's award; however, they may be considered on their own merit or identified by the parent unit to share in the award, but not both.

A10.4.2. Authorized Device. Oak Leaf Cluster. Refer to paragraph A17.16 for information about the "V" device.

Award of the AFOUA [basic] was verified and the applicant's record will be administratively corrected to reflect that award. However, based on the documentation presented and review of the official record, it could not be verified the applicant served in Vietnam, contiguous waters, or air space, including service in Thailand, Laos, and Cambodia for 30 consecutive or 60 non-consecutive days to qualify for award of the VSM. Additionally, there is no documentation to indicate the applicant was assigned or attached to any additional units that were awarded the AFOUA or the PUC.

Correspondence was sent to the applicant on 31 Mar 21 requesting additional documentation in support of his requests; however, no response has been received.

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 15 Mar 23 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 Department of the 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, except for the aforementioned administrative correction, 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 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-2020-00407 in Executive Session on 25 Aug 23:

, 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 31 Oct 19.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 13 Dec 22.
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 15 Mar 23.

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.

X

Board Operations Manager, AFBCMR