

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

XXXXXXXXXXXX

**DOCKET NUMBER:** BC-2020-00453

**COUNSEL:** NONE

**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 following awards:

- a. Presidential Unit Citation (PUC)
- b. Air Force Outstanding Unit Award (AFOUA).

### APPLICANT'S CONTENTIONS

He served in the Republic of Vietnam as shown by the accompanying travel vouchers.

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 27 Aug 68, according to DD Form 214, the applicant entered the Regular Air Force and on 23 Aug 72, he was honorably discharged having served and was credited with 3 years, 11 months, and 29 days of active service, to include 11 months and 29 days of Foreign Service.

On 16 Sep 20, the Air Force Personnel Center (AFPC) Recognition Team informed the applicant they were unable to verify award of the PUC or AFOUA. They also informed the applicant that although he indicated that he provided travel vouchers with his request, they were not attached to his submission. They invited the applicant to provide source documents placing him in the area of responsibility and informed him he should send evidence 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 advisory at Exhibit C.

### AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the application. According to Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*, paragraph A10.1, the PUC, established by Executive Order 10694, is the Nation's highest unit award. It is awarded in the name of the U.S. President to units of the U.S. Armed Forces and cobelligerent nations, for extraordinary heroism in action against an armed enemy on or after 7 Dec 41. 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. The degree of heroism required is the same as that which would be required of an Air Force Cross to an individual.

According to paragraph A10.4, the Air Force Outstanding Unit Award was established by the Secretary of the Air Force on 6 Jan 54, 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. 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)). 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. Unnumbered units may not be nominated for the Air Force Outstanding Unit Award; however, they may be submitted for the Air Force Organizational Excellence Award. Units below squadron level are not eligible for the Air Force Outstanding Unit.

After reviewing the applicant's official military record and available documentation, they were unable to verify award of the Presidential Unit Citation and the Air Force Outstanding Unit Award. A letter dated 16 Sep 20, was sent to the applicant requesting any documentation to validate his request; however, they received no response. To grant relief would be contrary to the criteria established by AFMAN 36-2806.

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 10 Jan 22 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 notes the applicant indicated that he included travel vouchers with his submission; however, they were not enclosed with his submission. Furthermore, the AFPC Recognitions Team informed the applicant there were no travel vouchers attached to his application and requested he send any source documents to help verify the awards he was requesting; however, they did not receive a response. Therefore, 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 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 (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.2, considered Docket Number BC-2020-00453 in Executive Session on 6 Apr 22:

, Chair, AFBCMR  
, Panel Member  
, Panel Member

All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, no atchs, dated 18 Oct 19.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, w/atchs, dated 11 Oct 21.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 10 Jan 22.

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.