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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2020-00455

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, effective 1 May 1970, Item 24, *Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized*, be amended to reflect the following awards:

- Air Force Outstanding Unit Award (AFOUA) with Valor and two Bronze Oak Leaf Clusters (**Will be administratively corrected to reflect AFOUA with Valor and one Bronze Oak Leaf Cluster**).
- Republic of Vietnam Gallantry Cross with Palm (Will be administratively corrected).
- Republic of Vietnam Campaign Medal (RVCM) (**Already Reflected on the applicant's DD Form 214, dated 1 May 70**).

APPLICANT'S CONTENTIONS

The AFOUA with Valor was awarded after his honorable discharge in 1970. He earned the contested awards for his Vietnam service from 1966 to 1967. The [redacted] *Work-Product* was the parent unit at Cam Ranh Bay, the unit was awarded the AFOUA with Valor and the Republic of Vietnam Gallantry Cross with Palm. Further, his Vietnam Service Medal should reflect two Campaign Stars for the Vietnam Air Offensive 29 June 1966 to 8 March 1967 and the Vietnam Air Offensive, phase II from 9 March 1967 to 31 March 1968.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 1 August 1961, according to DD Form 214, the applicant entered active duty.

On 1 May 1970, according to DD Form 214, the applicant was honorably discharged. He served 8 years and 9 months of total active duty service and was credited with 11 months and 21 days Foreign and/or Sea Service. His DD Form 214, Item 24 reflects he was awarded the Small Arms Expert Marksmanship Ribbon (SAEMR), Air Force Good Conduct Medal (AFGM), Air Force Longevity Service Award (AFLSA), National Defense Service Medal (NDSM), Vietnam Service Medal (VSM), RVCM, AFGCM with one Bronze Oak Leaf Cluster (1 BOLC), and the AFOUA.

AFBCMR Docket Number BC-2020-00455

Work-Product

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According to the AFPC/DP1SSP Decorations Section 214/215 Routing Slip, dated 12 July 2022, the applicant's DD Form 214 dated 1 May 1970, will be corrected to add the Republic of Vietnam Gallantry Cross with Palm and AFOUA with Valor and one Bronze Oak Leaf Cluster. A DD Form 215, *Correction to the DD Form 214*, will be issued and forwarded to the applicant.

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 one Bronze Oak Leaf Cluster to the AFOUA with Valor. After a thorough review of the applicant's official military personnel record and provided documentation to possibly provide administrative relief, award of the AFOUA with Valor and 1 BOLC and the Republic of Vietnam Gallantry Cross with Palm were able to be verified. Accordingly, the applicant's record will be administratively corrected. The RVCM is annotated on the applicant's DD Form 214; therefore, no action is required. However, award of the second BOLC to the AFOUA with Valor and 1 BOLC is unable to be verified.

In accordance with AFMAN 36-2806, 10 June 2019, the AFOUA 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 AFOUA 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 AFOUA 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. Prior to 6 January 1986, the ribbon was awarded to Regular Air Force, Air National Guard and Air Force Reserve members credited with completion of an overseas tour on or after 1 September 1980.

It is unable to be verified that the applicant was assigned or attached to an additional unit that received award of the AFOUA, rendering him ineligible for the second BOLC. 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 22 June 2023 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, other than the administrative corrections made to his record, 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-2020-00455 in Executive Session on 9 January 2024:

Work-Product, Panel Chair
Work-Product, Panel Member
Work-Product, Panel Member

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

- Exhibit A: Application, DD Forms 149, w/atchs, dated 21 December 2021.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 23 February 2023.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 22 June 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.

3/7/2024

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Board Operations Manager, AFBCMR
Signed by: **Work-Product**