

## **RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2020-00927

XXXXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### **APPLICANT'S REQUEST**

His DD Form 214, *Report of Separation from Active Duty*, to reflect award of the:

1. Vietnam Service Medal (VSM).
2. Vietnam Campaign Medal [sic].

### **APPLICANT'S CONTENTIONS**

His duty assignments to Southeast Asia (SEA) are not clearly reflected on his DD Form 214. He was assigned to the Udorn Royal Thai Air Base, Udorn, Thailand, XXXX Combat Communications Group, in support of the United States (US) military operations and Place Lightening in Aug 75. He was later assigned to Clark Air Base, Philippines, XXXX Combat Communications Group, in support of US military operations in SEA.

He just received and reviewed his DD Forms 214 and noticed the errors and would hope the Board finds it appropriate that his service to the country would be accurately reflected in his military records. Existing records with the Department of Defense should validate these dates. He has photographs of his tour of duty, if necessary.

The applicant's complete submission is at Exhibit A.

### **STATEMENT OF FACTS**

The applicant is an honorably discharged Air Force Reserve (AFR) sergeant (E-4).

According to Standard Form 600, *Chronological Record of Medical Care*, the applicant was seen/treated at the 432 USAF Hospital, APO SF 96237 [Udorn, Thailand] on 1 Sep 75, 1 Nov 75, 4 Nov 75, 5 Nov 75, 12 Nov 75, 16 Nov 75, 1 Dec 75, 15 Dec 75, 16 Dec 75, and 18 Dec 75.

On 26 Jan 79, the applicant was furnished an honorable discharge from REGAF and credited with 5 years, 7 months, and 26 days active service, of which 11 months and 14 days was Foreign and/or Sea Service.

On 27 Jan 79, according to DD Form 4, *Enlistment or Reenlistment Agreement – Armed Forces of the United States*, the applicant enlisted in the AFR.

On 26 Jan 82, according to Reserve Order XXXX, dated 31 Jan 82, the applicant was honorably discharged from the AFR.

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. After a thorough review of the applicant's official military personnel record and provided documentation, award of the VSM and Republic of Vietnam Campaign Medal (RVNCM) could not be verified.

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

A15.2.1. *Vietnam Service Medal*. The VSM 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. To qualify for award of the VSM a member must meet one of the following qualifications:

A15.2.1.1. Be attached to or regularly serve for one or more days with an organization participating in or directly supporting military operations.

A15.2.1.2. Be attached to or regularly serve for one or more days aboard a naval vessel directly supporting military operations.

A15.2.1.3. Actually participate as a crewmember in one or more aerial flights into airspace above Vietnam and contiguous waters directly supporting military operations.

A15.2.1.4. Serve on temporary duty for 30 consecutive days or 60 non-consecutive days in Vietnam or contiguous areas, except that time limit may be waived for personnel participating in actual combat operations.

A12.9.5. *Republic of Vietnam Campaign Medal*. The Secretary of Defense approved acceptance and wear of the medal on 7 February 1966. The RVNCM was awarded to members of the U.S. Armed Forces who between 1 March 1961 and 28 March 1973 who:

A12.9.5.1. Served for six months in South Vietnam during the above dates, or

A12.9.5.2. Served outside the geographical limits of South Vietnam and contributed combat support to the Republic of Vietnam Armed Forces for an aggregate of six months. Only members of the U.S. Armed Forces who meet the criteria established for the Air Force Expeditionary Medal (Vietnam) or the Vietnam Service Medal during the period of service required are considered to have contributed direct combat support to the Republic of Vietnam Armed Forces, or

A12.9.5.3. Did not complete the length of service required as listed above, but who, during wartime were either:

A12.9.5.3.1. Wounded by the enemy in a military action, or

A12.9.5.3.2. Captured by the enemy during action or in the line of duty, but later rescued or released, or

A12.9.5.3.3. Killed in action or in the line of duty.

A12.9.5.4. Were assigned in Vietnam on 20 January 1973 and who served a minimum of 60 calendar days in Vietnam during the period of 29 January 1973 to 28 March 1973.

The applicant's SF 600 reflects the following dates at 432 USAF Hospital APO SF 96237 (Udon, Thailand): 15 Dec 75, 16 Nov 75, 12 Nov 75, 5 Nov 75, 4 Nov 75, and 1 Sep 75; however, whether the applicant was in Thailand for 30 consecutive/60 non-consecutive days during the authorized medal periods could not be verified.

The applicant was not in the area of eligibility for the duration of time that meets eligibility criteria for award of the VSM and RVNCM.

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 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 applicant did not meet the eligibility criteria established by AFMAN 36-2806 for award of the VSM and RVNMC. 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, 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-2020-00927 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, dated 18 Jan 20.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 7 Feb 23.  
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 23 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**