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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2020-01054

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

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. Vietnam Service Medal
- b. Bronze Star Medal
- c. Purple Heart

APPLICANT'S CONTENTIONS

His Top Secret Security Clearance may have something to do with the omission of his awards.

STATEMENT OF FACTS

The applicant is a former Air Force senior airman (E-4) who entered the Regular Air Force on 19 March 1971.

On 7 January 1975, the applicant was released from active duty and transferred to the Air Force Reserve. The applicant's DD Form 214, Item 26, *Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized*, reflects: National Defense Service Medal and Air Force Good Conduct Medal. He was credited with 2 years, 5 months, and 27 days of Foreign Service.

On 31 March 2020, the Board staff notified the applicant he failed to exhaust or that he did not indicate he exhausted other administrative avenues of relief prior to applying to the Board. Therefore, the applicant's awards and decorations request was sent to the Air Force Personnel Center (AFPC) for review and/or corrective action. Based on the forgoing, the applicant's case was closed. The applicant was also informed if AFPC was unable to resolve his awards and decorations request, AFPC would resubmit the request to the Board on his behalf.

On 6 May 2021, the AFPC Recognition Team informed the applicant they were unable to verify award of the Bronze Star Medal and Purple Heart. They invited the applicant to provide source documents placing him in the area of responsibility and informed him he should send them to AFPC within 30 days of the date of their letter. After 30 days, the case would be referred to the Board.

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POC: SAF.MRBC.Workflow@us.af.mil

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On 14 December 2022, the Board received an AFPC/DP3SP advisory opinion. In view of the applicant's original contention and concerns expressed in their 18 November 2019 application, Board staff reopened the case in order for the Board to consider the award of the Bronze Star Medal and Purple Heart.

AIR FORCE EVALUATION

AFPC/DP3SP (Recognitions Program) recommends denying award of the Purple Heart, Bronze Star Medal, Vietnam Service Medal, and the Republic of Vietnam Campaign Medal. In accordance with Air Force Manual 36-2806, *Awards and Memorialization Program*, dated 10 June 2019, the Bronze Star Medal 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 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. A recommendation for achievement or service follows the same procedures as a recommendation for valor.

The Purple Heart was established by General George Washington on 7 August 1782. It was reestablished by War Department General Order No. 3, 1932, and is currently awarded pursuant to Executive Order 11016, dated 25 April 1962, subject to the provisions in 10 U.S.C. § 1127, 1129, 1129a, and 1131; Public Law 104-106; DoDI 1348.33; and Volume 3 of DoDM 1348.33. The medal is awarded to any Service member who is killed or wounded as a result of enemy action. The wounds received must have required treatment by a medical officer. The Purple Heart differs from other decorations in that a member is entitled to the decoration upon the awarding authority determining that the specified award criteria have been met. The Purple Heart may be awarded to any Service member, while serving under competent authority after 5 April 1917, has been

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wounded, killed, or who has died or may hereafter die of wounds received under any of the following circumstances: in any action against an enemy of the U.S.; in any action with an opposing armed force of a foreign country in which the Military Services are or have been engaged; 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; as a result of an act of any such enemy or opposing armed forces; as the result of an act of any hostile foreign force.

Examples of injuries or wounds which clearly do not justify award of the Purple Heart include: frostbite or trench foot injuries; heat stroke; food poisoning not caused by enemy agents; chemical, biological, or nuclear agents not released by the enemy; disease not directly caused by enemy agents; accidents, to include explosive, aircraft, vehicular, and other accidental wounding not related to or caused by enemy action; self-inflicted wounds, except when in the heat of battle and not involving gross negligence; post-traumatic stress disorders; jump injuries not caused by enemy action: and/or injuries that are the result of the member's willful misconduct.

The Vietnam Service Medal is awarded to any member of the United States 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.

The Secretary of Defense approved acceptance and wear of the Republic of Vietnam Campaign Medal on 7 February 1966. The Republic of Vietnam Campaign Medal was awarded to members of the U.S. Armed Forces who between 1 March 1961 and 28 March 1973 who: served for six months in South Vietnam during the above dates; or 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.

Based on the documentation presented and review of the official record, there is no evidence the applicant meets the established criteria for award of the Bronze Star Medal, the Purple Heart, Vietnam Service Medal, or the Republic of Vietnam Campaign Medal. In addition, correspondence was sent to the applicant on 29 March 2021 requesting additional documentation to possibly administratively correct his official record. Unfortunately, as of the date of this memorandum, a response has not been received from the applicant. Accordingly, to grant relief would be contrary to the criteria established by AFMAN 36-2806. (Currently DAFMAN 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 December 2022, 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. As noted above, the applicant has not provided evidence that he meets the criteria for award of the Vietnam Service Medal, Bronze Star Medal, and Purple Heart. The Board also notes the applicant did not file the

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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 (DAFI) 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.

4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board’s understanding of the issues involved.

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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2020-01054 in Executive Session on 21 September 2023:

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

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

- Exhibit A: Application, DD Form 149, dated 18 November 2019.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 14 December 2022.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 22 December 2022.

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.

10/3/2023

Work-Product

Board Operations Manager, AFBCMR

Signed by: Work-Product