

CUI//SP-MIL/SP-PRVCY

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2020-01498

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

To be awarded the Vietnam Service Medal.

APPLICANT'S CONTENTIONS

He participated in flights into Vietnam airspace and in Operation FREQUENT WIND; therefore, he is now eligible for the Vietnam Service Medal per Code of Federal Regulations 32, *National Defense*, 1 Jul 06, 578.26 (b) (3) and (e).

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force Reserve captain (O-3).

On 19 Jul 73, according to DD Form 13, *Statement of Service*, the applicant entered the Air Force Reserve in the rank of second lieutenant (O-1).

On 8 May 75, according to Individual Flight Record, provided by the applicant, while assigned to Udorn Royal Thai Air Force Base, Thailand, the applicant flew two "¹02" combat support missions on 29 Apr 75, totaling 3.2 hours.

On 25 Sep 75, the applicant's Officer Effectiveness Report for the period 8 Jan 75 through 31 Aug 75, indicates he was assigned to Udorn Royal Thai Air Force Base, Thailand.

On 21 Apr 79, according to DD Form 214, *Report of Separation from Active Duty*, the applicant was released from Extended Active Duty. He was credited with 10 months and 1 day of foreign service. Item 26, *Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized*, indicates the applicant was awarded the Air Force Commendation Medal, Air Force Longevity Service Award, Air Force Organizational Excellence Award, and Navigator Wings.

¹ According to AFTO Form 781G, *General Mission Classification-Mission Symbols*, operation mission symbol O-2 Combat Support, is defined as: Aerial activity or engagements conducted by committed units or aircraft, under the operational control of a theater commander or other appropriate authority, which have as a primary purpose the support of friendly foreign forces engaged in armed conflict, and which: (1) Encounter foreign armed opposition, or (2) Are otherwise placed in such a position that hostile action by armed forces was imminent even though it did not materialize.

CUI//SP-MIL/SP-PRVCY

On 28 Feb 80, according to Reserve Order **Work-Product**, dated 31 Jan 80, the applicant was honorably discharged from the Air Force Reserve.

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

APPLICABLE AUTHORITY/GUIDANCE

Executive Order 10977, *Establishing the Armed Forces Expeditionary Medal*, dated 4 Dec 61; DoDM 1348.33, Volume 2, *Manual of Military Decorations and Awards: DoD Service Awards-Campaign, Expeditionary, and Service Medals*; AFMAN 36-2806, *Awards and Memorialization Program*.

The Armed Forces Expeditionary Medal is awarded to members of the U.S. Armed Forces who, after 1 Jul 58, participated in U.S. military operations, U.S. operations in direct support of the United Nations, or U.S. operations of assistance for friendly foreign nations. The Joint Chiefs of Staff designates operations that qualify for the Armed Forces Expeditionary Medal, specifies the degree of participation required, and defines the area of operations.

To be eligible, Service members must be bona fide members of a unit participating in or be engaged in the direct support of the operation for 30 consecutive days in the area of operations (or for the full period when an operation is less than 30 days duration), or for 60 nonconsecutive days provided the support involved entering the area of operations or met one or more of the following criteria: Be engaged in actual combat, or duty which is equally as hazardous as combat duty, during the operation with armed opposition, regardless of time in the area; Is wounded or injured and requires medical evacuation from the area of eligibility while participating in the operation, regardless of time; Accumulate 15 days service (consecutive/nonconsecutive) while participating as a regularly assigned crewmember of an aircraft flying sorties into, out of, within, or over the area in direct support of the military operation. One day's service is credited for the first sortie flown on any day. Additional sorties flown on the same day receive no further credit.

Prior to 1 Dec 95, members on aircrew status were only required to fly over or into the area of eligibility for one day during the conflict to qualify for the medal.

Operation FREQUENT WIND during the period 29 and 30 Apr 75 is a qualifying operation for the Armed Forces Expeditionary Medal.

Service members who earned the Armed Forces Expeditionary Medal for Operation FREQUENT WIND between 29 and 30 Apr 75 may elect to receive the Vietnam Service Medal instead of the Armed Forces Expeditionary Medal pursuant to Public Law 107-314, Section 542. No service member may be issued both medals for service in Vietnam.

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the application. According to AFMAN 36-2806, 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 Jul 65 through 28 Mar 73.

Service members who earned the Armed Forces Expeditionary Medal for Operation FREQUENT WIND between 29 and 30 Apr 75 may elect to receive the Vietnam Service Medal instead of the

CUI//SP-MIL/SP-PRVCY

Armed Forces Expeditionary Medal. No service member may be issued both medals for service in Vietnam.

Operation FREQUENT WIND during the period 29 and 30 Apr 75 is a qualifying operation for the Armed Forces Expeditionary Medal.

The applicant's dates of service in Thailand were from 5 Feb 75 to 5 Dec 1975; however, there is no documentation in the applicant's record to verify he provided direct support for Operation FREQUENT WIND. The applicant's dates of service are past the award inclusive period for award of the Vietnam Service Medal. To grant relief would be contrary to DoDM 1348.33; AFMAN 36-2806, and AFR 900-48, *Individual and Unit Awards and Decorations* (Regulation in effect at the time of applicant's service).

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 24 Feb 23 for comment (Exhibit D), and the applicant replied on 12 Mar 23. In his response, the applicant contended he flew in Operation FREQUENT WIND on 29 Apr 75, and the official Air Force forms/reports he submitted prove that. He should have been awarded the Armed Forces Expeditionary Medal, having met all the criteria, but was not. With the passage of time, the manuals currently state that if he applies for the award now, which he has, it would/should be the Vietnam Service Medal in lieu of the Armed Forces Expeditionary Medal. President George Bush made that decision when on 2 Dec 02, he signed House Resolution 4546, which became Public Law 107-314 and states the Vietnam Service Medal should be issued to Operation FREQUENT WIND veterans in lieu of the Armed Forces Expeditionary Medal. He also believes the Board's workload since the COVID-19 pandemic and the subsequent staffing shortages may have resulted in some items being overlooked which may be why AFPC/DP3SP recommended his request be denied. He provides his Flight Record and Mission Data form indicating he flew a combat mission on 29 Apr 75 and believes they may not have been forwarded and the Board only reviewed the records from the National Personnel Records Center.

The applicant's complete response is at Exhibit E.

FINDINGS AND CONCLUSION

1. The application was 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 the victim of an error or injustice. The Board notes the recommendation of AFPC/DP3SP against correcting the record; however, the Board finds a preponderance of the evidence substantiates the applicant's contentions. Specifically, Operation FREQUENT WIND during the period 29 and 30 Apr 75 is a qualifying operation for the Armed Forces Expeditionary Medal. Prior to 1 Dec 95, members on aircrew status were only required to fly over or into the area of eligibility for one day during the conflict to qualify for the medal. The applicant provided Individual Flight Records that indicate on 29 Apr 75, while assigned to Udorn Royal Thai Air Force Base, Thailand, he flew two combat support missions totaling 3.2 hours. Accordingly, the Board finds there is sufficient evidence the applicant meets the eligibility criteria for the Armed Forces Expeditionary Medal. Furthermore, service members who earned the Armed Forces Expeditionary Medal for Operation FREQUENT

CUI//SP-MIL/SP-PRVCY

WIND between 29 and 30 Apr 75 may elect to receive the Vietnam Service Medal instead of the Armed Forces Medal pursuant to Public Law 107-314, Section 542. Therefore, given that the applicant requests award of the Vietnam Service Medal rather than the Armed Forces Expeditionary Medal, the Board recommends correcting the record as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show:

- a. He be awarded the Vietnam Service Medal.
- b. He qualified for the Armed Forces Expeditionary Medal in support of Operation FREQUENT WIND; however, pursuant to Public Law 107-314, Section 542, he elected to exchange the Armed Forces Expeditionary Medal for award of the Vietnam Service Medal.

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-2020-01498 in Executive Session on 15 Jun 23:

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

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 2 Mar 20.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 2 Aug 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 24 Feb 23.
- Exhibit E: Applicant’s Response, w/atchs, dated 12 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.

8/25/2023

X	<i>Work-Product</i>
----------	---------------------

Board Operations Manager, AFBCMR

Signed by: Work-Product