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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2020-02387

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge From Active Duty*, Block 13, *Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized* be corrected to reflect award of the Vietnam Service Medal (VSM).

APPLICANT'S CONTENTIONS

He participated in Operation FREQUENT WIND between 29 and 30 Apr 75; however, the award was not included on his final DD Form 214.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force captain (O-3) who entered the Regular Air Force on 1 Oct 68.

On 12 Jan 81, according to the applicant's DD Form 214, he was released from Officer Training School to accept a commission into the Regular Air Force. Block 13 reflects the following awards: National Defense Service Medal (NDSM), Air Force Longevity Service Award with two Oak Leaf Clusters (AFLSA w/2OLCs), Air Force Commendation Medal (AFCM), Air Force Outstanding Unit Award with one Oak Leaf Cluster (AFOUA w/1OLC), Humanitarian Service Medal with two Oak Leaf Clusters (HSM w/2OLCs), and the Air Force Good Conduct Medal with three Oak Leaf Clusters (AFGCM w/3OLCs).

On 31 Dec 93, according to the applicant's DD Form 214, he was retired from the Regular Air Force. Block 13 reflects the following awards: the Defense Meritorious Service Medal, Meritorious Service Medal with one OLC (MSM w/1OLC), Air Force Commendation Medal with two OLCs (AFCM w/2OLCs), AFOUA w/3OLCs), National Defense Service Medal with one Bronze Service Star (NDSM w/1BSS), Armed Forces Expeditionary Medal with two OLCs (AFEM w/2OLCs) (Cambodia, Laos, Vietnam), HSM w/2BSSs, Air Force Overseas Short Tour Ribbon, Air Force Overseas Long Tour Ribbon with one OLC, Air Force Longevity Service Award Ribbon with one Silver Cluster, Small Arms Expert Marksmanship Ribbon, and the Air Force Training Ribbon.

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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 award of the VSM. Although the applicant was in support of Operation FREQUENT WIND [sic] between 29 and 30 Apr 75, it appears he was awarded the Air Force Expeditionary Medal [sic] with two Bronze Service Stars for his service in [Work-Product] [Work-Product]. The applicant may elect to receive the VSM instead of the AFEM, but no service member may be issued both medals for service in Vietnam.

In accordance with Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*, attachment A15.2, 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 Jul 65 through 28 Mar 73. To qualify for award of the VSM a member must meet one of the following qualifications: Be attached to or regularly served for 1 or more days with an organization participating in or directly supporting military operations; be attached to or regularly served for 1 or more days aboard a naval vessel directly supporting military operations; actually participate as a crewmember in one or more aerial flights into airspace above Vietnam and contiguous waters directly supporting military operations, or served 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 in actual combat operations.

Per attachment A15.2.2, no person is entitled to more than one award of the VSM. Members who qualified for the AFEM for reason of service in Vietnam between 1 Jul 58 and 3 Jul 65 (inclusive) remains qualified for that medal. Upon request, any such member may be awarded the VSM instead of the AFEM. In such instances, the AFEM is deleted from the list of authorized medals in personnel records. No person is entitled to both awards for service in Vietnam. Service members who earned the AFEM for Operation FREQUENT WIND between 29 and 30 Apr 75 may elect to receive the VSM instead of the AFEM. No service member may be issued both medals for service in Vietnam.

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 May 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. Although the applicant was in support of Operation FREQUENT WIND between 29 and 30 Apr 75, it appears he was awarded the AFEM with two Bronze Service Stars for his service in [redacted] Work-Product Members who qualified for the AFEM for reason of service in Vietnam between 1 Jul 58 and 3 Jul 65 (inclusive) remains qualified for that medal. Upon request, any such member may be awarded the VSM instead of the AFEM. In such instances, the AFEM is deleted from the list of authorized medals in personnel records. The applicant may elect to receive the VSM instead of the AFEM, but no service member may be issued both medals for service in Vietnam. 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)*. 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.

Notwithstanding the above, the applicant may qualify for the Cold War Certificate. The Department of the Army is the office of responsibility for the Cold War Certificate. Public Law 105-85, Section 1084, established a Cold War Recognition Certificate to recognize all members of the U.S. Armed Forces and qualified Federal Government civilian personnel who faithfully and honorably served the U.S. during the Cold War Era, from 2 Sep 45 to 26 Dec 91.

The applicant may order a certificate online at: <https://www.hrc.army.mil/content/903>. He may also write to the following address:

Commander, USAHRC
Cold War Recognition Program
ATTN: AHRC-PDP-A, Dept 480
1600 Spearhead Division Avenue
Fort Knox, KY 40122-5408

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-2020-02387 in Executive Session on 30 Nov 23:

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 Form 149, w/atchs, dated 5 Oct 18.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 3 Feb 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 23 May 23.

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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.

1/23/2024

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Board Operations Manager, AFBCMR
Signed by: USAF

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