

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2020-02403

XXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Correct his DD Form 214, *Report of Separation from Active Duty*, to reflect award of the Vietnam Service Medal.

APPLICANT'S CONTENTIONS

He served on temporary duty (TDY) orders in 1973 at Ubon Air Field, Thailand during the waning days of the Vietnam war. Therefore, he should have been awarded the Vietnam Service Medal.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an honorably discharged Air Force airman first class (E-3).

On 4 May 73, according to AF Form 626, *Request and Authorization for Temporary Duty – Military*, provided by the applicant, he was directed to perform TDY at Ubon Air Field, Thailand, from on/about 10 May 73 for approximately 179 days.

On 17 May 76, the applicant was furnished an honorable discharge and was credited with 4 years and 2 days active service, of which 3 months was foreign and/or sea service.

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

APPLICABLE AUTHORITY/GUIDANCE

Department of Defense Instruction 1336.1, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*, which establishes and implements policy for the preparation and distribution of the DD Form 214, does not include a provision for update of TDY assignments/locations on the DD Form 214.

Air Force Instruction 36-2110, *Total Force Assignments*, states; use a combination of the following documents to verify completed TDY assignments: travel vouchers, PCS orders, decoration citations, enlisted or officer performance reports and records review Report on Individual Personnel.

AIR FORCE EVALUATION

AFPC/DP3SP (Recognition Program) recommends denying award of the Vietnam Service Medal. In accordance with Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*, dated 10 Jun 19, paragraph A15.2., the Vietnam Service Medal is awarded to all

members of the United States Armed Forces who served in Vietnam or contiguous waters or airspace on or after 4 Jul 65 and before 28 Mar 73. In addition, personnel serving in Thailand, Laos, or Cambodia in direct support of operations in Vietnam during the same period also were eligible for the Vietnam Service Medal. To be eligible, a service member must be: permanently assigned, attached, or detailed for one, or more, days with an organization participating in or directly supporting ground (military) operations; permanently assigned, attached, or detailed for one, or more, days aboard a naval vessel directly supporting military operations; have actually participated as a crew member in one or more aerial flights directly supporting military operations; have served on temporary duty for 30 consecutive days or 60 non-consecutive days.

Although the applicant provided a TDY order, dated 4 May 73, for the purpose of deployment from Seymour Johnson Air Force Base, North Carolina to Ubon Airfield, Thailand effective on or about 10 May 73 for approximately 179 days; the dates of service are past the award inclusive period for the Vietnam Service Medal. 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 15 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 applicant states his TDY to Thailand makes him eligible for the Vietnam Service Medal. However, while the TDY cannot be verified, the dates are outside of the inclusive period for award of the Vietnam Service medal. Therefore, 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 (DAFI) 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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2020-02403 in Executive Session on 21 Sep 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, w/atchs, dated 10 Jun 20.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 9 Dec 22.
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 15 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.

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Board Operations Manager, AFBCMR