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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2020-03001

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, be amended to reflect the Vietnam Service Medal.

APPLICANT'S CONTENTIONS

He served in the Regular Air Force from 1 Feb 64 to 21 Jan 68, which falls within the award period for the Vietnam Service Medal. In addition, he was stationed in Taiwan and worked as a C-130 aircraft mechanic directly supporting military operations in the Republic Vietnam. During his 13-month assignment in Taiwan, he participated in four 30-day temporary duty trips to the Republic of Vietnam.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force sergeant (E-4) who entered the Regular Air Force on 1 Feb 64.

According to AF Form 909, *A1c, A2c, A3c and AB Performance Report*, for the period 22 Nov 65 to 1 Nov 66, the applicant was permanently assigned to a squadron in Taiwan as an Aircraft Mechanic, Assistant Crew Chief. The reporting official's comments indicate the applicant was selected for temporary duty in Vietnam on the Airborne Command Communications Center Aircraft.

On 31 Jan 68, according to DD Form 214, the applicant was released from active duty and credited with 4 years of active service and 1 year, 1 month, and 1 day of Foreign Service time. Item 24, *Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized*, reflects: National Defense Service Medal, Air Force Longevity Service Award.

On 25 Oct 23, the Air Force Personnel Center Directorate of Assignments (AFPC/DP3AM) informed the applicant they were able to verify his boots-on-ground foreign service in Taiwan from 20 Dec 65 to 20 Jan 67, for 1 year, 1 month, and 1 day. While assigned in Taiwan, the applicant performed temporary duty in the Republic of Vietnam. Since specific locations are not annotated on the DD Form 214, the applicant was told he could use their letter as proof of boots-on-ground for Taiwan and the Republic of Vietnam.

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

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AIR FORCE EVALUATION

AFPC/DP3SP (Recognition Program) recommends denying the award of the Vietnam Service Medal. In accordance with Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*, 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. To qualify for award of the Vietnam Service medal, a member must meet one of the following qualifications: (1) Be attached to or regularly serve for 1 or more days with an organization participating in or directly supporting military operations; (2) Be attached to or regularly serve for 1 or more days aboard a naval vessel directly supporting military operations; (3) Actually participate as a crewmember in one or more aerial flights into airspace above Vietnam and contiguous waters directly supporting military operations; (4) Serve on temporary duty for 30 consecutive days or 60 nonconsecutive days in Vietnam or contiguous areas, except that time limit may be waived for personnel participating in actual combat operations.

Evidence indicates the applicant was assigned in Taiwan from 22 Nov 65 to 21 Nov 66; however, Taiwan is not an authorized area of responsibility for award of the Vietnam Service Medal. To grant relief would be contrary to the criteria established in 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 26 Jan 23 for comment (Exhibit D) but has received no response.

16 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 claims during his 13-month assignment in Taiwan, he participated in four 30-day temporary duty trips to the Republic of Vietnam. AFPC/DP3AM was only able to verify his temporary duty assignment to the Republic of Vietnam based on an annotation on his performance report; accordingly, the applicant may use the AFPC/DP3AM letter dated 25 Oct 23 as verification of his boots-on-ground in Taiwan and the Republic of Vietnam. Nevertheless, they were unable to verify the specific period of his temporary duty to the Republic of Vietnam. As such, there is no evidence he met any of the qualifications described in AFMAN 36-2806 for award of the Vietnam Service Medal. Accordingly, the Board concurs with the 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)*. 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-2020-03001 in Executive Session on 16 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 8 Sep 20.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 26 Jan 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 25 May 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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