

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

XXXXXXXXXXXXXXXXXX

**DOCKET NUMBER:** BC-2020-03216

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

1. His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be corrected to reflect his service in [Work-Product] from 8 Dec 67 to 28 Jan 68.
2. He be awarded the [Work-Product] Service Medal (VSM).

### APPLICANT'S CONTENTIONS

He was on temporary duty (TDY) from [Work-Pr...] AB, [Work-Product] to [Work-Product] AB, [Work-Product], 8 Dec 67 to 28 Jan 68; however, his DD Form 214 does not show his service time in [Work-Product]. He has medical issues that may be related to exposure to Agent Orange, but his records do not reflect any service time in [Work-Product]. In support of his request, he submitted a copy of AF Form 771, *Accounting of Disclosures* verifying the [Work-Product] service time dates from AFMPC/DPMDRA3 in support for him to receive a Michigan State [Work-Product] Bonus. He also submitted a local newspaper clipping documenting he served in [Work-Product], and other materials from his time at [Work-Product] AB, [Work-Product].

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a retired Air Force Reserve technical sergeant (E-6).

On 31 Jan 67, the applicant entered the Regular Air Force.

On 30 Oct 67, according to documentation (AF Form 7) submitted by the applicant, he was assigned to the 405 EMS, [Work-Pr...] AB, [Work-Product].

On 18 Dec 70, the applicant was honorably discharged, having served 3 years, 10 months, and 18 days of active service, to include 1 year, 5 months, and 12 days of Foreign Service.

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

### AIR FORCE EVALUATION

AFPC/DP3AM recommends denying the applicant's request his military service record (DD Form 214) be corrected to reflect service in the Republic of [Work-Product]. After reviewing the information provided and the applicant's Master Personnel Records, they were able to verify Foreign Service boots on ground in the Republic of the [Work-Product], but unable to verify any Foreign Service time in the Republic of [Work-Product].

The complete advisory opinion is at Exhibit C.

AFPC/DP3SP recommends denying the applicant's request for award of the [Work-Product] Service Medal. After a thorough review of the applicant's official military personnel record and the documentation provided by the applicant, award of the [Work-Product] Service Medal is unable to be verified.

In accordance with (IAW) AFMAN 36-2806, *Awards and Memorialization Program*, 10 Jun 19:

A15.2. [Work-Product] Service Medal. The [Work-Product] Service Medal is awarded to any member of the U.S. Armed Forces serving in [Work-Product], contiguous waters, or air space, including service in [Work-Product], [Work-...], [Work-Product], or their air space, on or after 4 July 1965 through 28 March 1973.

A15.2.1 To qualify for award of the [Work-Product] Service Medal a member must meet one of the following qualifications:

A15.2.1.1 Be attached to or regularly serve for 1 or more days with an organization participating in or directly supporting military operations.

A15.2.1.2 Be attached to or regularly serve for 1 or more days aboard a naval vessel directly supporting military operations.

A15.2.1.3 Actually participate as a crewmember in one or more aerial flights into airspace above [Work-Product] and contiguous waters directly supporting military operations.

A15.2.1.4 Serve on temporary duty for 30 consecutive days or 60 nonconsecutive days in [Work-Product] or contiguous areas, except that time limit may be waived for personnel participating in actual combat operations.

A15.2.5. [Work-Product] and contiguous waters, as used herein, is defined as an area which includes [Work-Product] and the water adjacent thereto within the following specified limits: From a point on the East Coast of [Work-Product] at the juncture of [Work-Product] with China southeastward to 21 degrees North latitude, 108 degrees; 15' East Longitude; thence, southward to 18 degrees; North latitude, 108 degrees; 15' East Longitude; thence southeastward to 17 degrees 30' North latitude, 111 degrees East longitude; thence southward to 11 degrees North latitude; 111 degrees East longitude; thence southwestward to 7 degrees North latitude, 105 degrees East longitude; thence westward to 7 degrees North latitude, 103 degrees; East longitude; thence northward to 9 degrees 30' North latitude, 103 degrees East longitude, thence northeastward to 10 degrees 15' North latitude, 104 degrees 27' East longitude; thence northward to a point on the West Coast of [Work-Product] at the juncture of [Work-Product] with [Work-Product].

To grant relief would be contrary to the criteria established in DoDI/M 1348.33, *DoD Military Decorations and Awards Program*, AFMAN 36-2806, and AFI 36-2803, *Military Decorations and Awards Program* (AFI in effect at the time of the period of service).

The complete advisory opinion is at Exhibit D.

## **APPLICANT'S REVIEW OF AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 5 Aug 22 for comment (Exhibit E) but has received no response.

## **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. While the Board notes the recommendations of AFPC/DP3AM and AFPC/DP3SP against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions in part. Specifically, the applicant provided documentation from his U.S. Representative stating that the State of Michigan verified the applicant's service in [Work-Product] with AFMPC/DPMDRA3 to award a Michigan State [Work-Product] Bonus, which is sufficient to justify granting the applicant's request for his records to be corrected to reflect his service in [Work-Product]. However, for the remainder of the applicant's request for award of the VSM, the evidence presented did not demonstrate an error or injustice, and the Board therefore finds no basis to recommend granting that portion of the applicant's request. Specifically, the applicant's records nor the documentation he submitted can verify he met the criteria required for award of the VSM. Therefore, the Board recommends correcting the applicant's records as indicated below.

## **RECOMMENDATION**

The pertinent military records of the Department of the Air Force relating to the APPLICANT be corrected to show he had Boots-On-Ground in the Republic of [Work-Product] from 8 December 1967 to 28 January 1968.

However, regarding the remainder of the applicant's request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

## **CERTIFICATION**

The following quorum of the Board, as defined in Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.5, considered Docket Number BC-2020-03216 in Executive Session on 26 Oct 22:

, Panel Chair  
, Panel Member  
, Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 14 Oct 20.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3AM, dated 14 Mar 22.
- Exhibit D: Advisory Opinion, AFPC/DP3SP, dated 2 Aug 22.
- Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 5 Aug 22.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.12.9.

**X**

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Board Operations Manager, AFBCMR