

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2020-03235

XXXXXXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Correct his DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, to reflect award of the:

- a. Vietnam Service Medal
- b. Armed Forces Expeditionary Medal

APPLICANT'S CONTENTIONS

He was assigned to the XX Troop Carrier Squadron which flew flights into the Vietnam airspace and directly supported military operations. He was in Saigon and encountered imminent threat. In a letter dated 24 Jul 17, he described experiences he encountered while in Vietnam. While in Saigon, a Viet Kong ¹[sic] had handed him a pen, when his flight engineer told him to freeze. Bomb squad personnel responded, and he was told it would have exploded in his face and possibly killed him. Additionally, when preparing to depart Tan Son Nhut, Saigon, he came under fire from the ground. When he opened the troop door, one of the soldiers was shot in his leg and had to have medics attend him. This incident still stays with him and could have been fatal to others also in the doorway. Many people do not understand what was going on in Vietnam at that time. His aircraft came under fire from insurgents on the ground many times.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 19 Oct 10, Hill Air Force Base (AFB), Utah (UT) Fact Sheet, provided by the applicant, detailed the history of the XX Military Airlift Squadron (formerly the XX Troop Carrier Squadron), stating, "...the XX...flew missions to South Vietnam beginning in Jan 65."

On 26 Sep 66, the applicant was furnished an honorable discharge, from his last duty assignment with the XX Military Airlift Squadron, Hill AFB, UT, and was credited with four years active service. He was not credited with foreign and/or sea service.

On 7 Oct 21, according to Headquarters, Air Force Personnel Center Recognition Team memorandum, the applicant was asked to provide source documents in support of his request for the Vietnam Service Medal and Armed Forces Expeditionary Medal.

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

¹ Viet Cong: a communist led army and guerrilla force in South Vietnam that fought its government and was supported by North Vietnam.

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the application. In accordance with Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*, dated 10 Jun 19, paragraph A14.5., 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.

According to 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. No person is entitled to more than one award of the Vietnam Service Medal. Members who qualified for the Armed Forces Expeditionary Medal 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 Vietnam Service Medal instead of the Armed Forces Expeditionary Medal. In such instances, the Armed Forces Expeditionary Medal is deleted from the list of authorized medals in personnel records. No person is entitled to both awards for service in Vietnam.

After a thorough review of the applicant's official military personnel record and provided documentation, award of the Vietnam Service Medal and Armed Forces Expeditionary Medal could not be verified. Additionally, correspondence was sent to the applicant on 7 Oct 21 requesting additional information in support of award of the Vietnam Service Medal and Armed Forces Expeditionary Medal. The applicant responded on 26 Oct 21; however, was unable to provide official documentation such as paid travel vouchers, AF Form 7, *Airman Military Record*, or AF Form 104, *Service Medal Award Verification*, to support his request. 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 22 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 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 applicant does not meet the established criteria for award of the Vietnam Service Medal and Armed Forces Expeditionary Medal in accordance with AFMAN 36-2806. 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-2020-03235 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 19 Oct 20.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 27 Dec 22.
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 22 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