

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2020-03508

XXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Correct his DD Form 214, *Certificate of Release or Discharge from Active Duty*, to reflect the following:

- a. Vietnam Service Medal
- b. Republic of Vietnam Campaign Medal

APPLICANT'S CONTENTIONS

He served at Udorn Royal Thai Air Force Base, Thailand, XX Fighter Wing, XX Tactical Fighter Squadron from Jul 74 to 15 May 75. During that time, he was on alert and flew sorties as an F-4 pilot/was involved as a fighter F-4 crewmember in the evacuation of Phen Phen ¹[sic] on 12 Apr 75, evacuation of Saigon on 30 Apr 75, and the USS Mayaguez incident in May 75. His presence during these events warrant inclusion of the Vietnam Service Medal and the Republic of Vietnam Campaign Medal.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air National Guard lieutenant colonel (O-5).

According to AF Form 77, *Company Grade Officer Effectiveness Report*, dated 17 Oct 74, the applicant was assigned to the XX Tactical Fighter Squadron, Udorn Royal Thai Air Force Base, Thailand, from 15 Jun 74 to 10 Oct 74.

According to AF Form 77, dated 7 May 75, the applicant was assigned to the XX Tactical Fighter Squadron, Udorn Royal Thai Air Force Base, Thailand, from 11 Oct 74 to 1 May 75.

According to AF Form 475, *Education/Training Report*, dated 12 Sep 75, the applicant attended the USAF Instructor Pilot Training, F-4, from 2 May 75 to 9 Sep 75.

On 15 Mar 79, the applicant was furnished an honorable discharge from the United States Air Force Reserve, with Type of Separation: Release from Active Duty, and credited with 9 years, 5 months, and 23 days active service.

On 30 Apr 94, the applicant was furnished an honorable discharge from the Air National Guard of the United States, with Narrative Reason for Separation: Retirement After 20 Years. He was credited with 20 years, 5 months, and 13 days active service.

¹ It appears the applicant may be referring to Phnom Penh.

On 26 Apr 21, AFPC/DP3AM (Directorate of Assignments) issued the applicant a Boots-on-Ground letter for service in Thailand; however, inclusive dates could not be determined.

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 (Directorate of Assignments) recommends denying the applicant's request for foreign service credit for the Republic of Vietnam. The information provided and the Master Personnel Records did not contain information that reflects the applicant served in the Republic of Vietnam. However, foreign service in Thailand was confirmed.

The complete advisory opinion is at Exhibit C.

AFPC/DP3SP (Recognition Program) recommends denying the application. 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.

According to paragraph A12.9.5., the Republic of Vietnam Campaign Medal is awarded to members of the United States Armed Forces who, between 1 Mar 61 and 28 Mar 73, served for 6 months in South Vietnam or served outside the geographical limits of South Vietnam and contributed direct combat support to the Republic of Vietnam Armed Forces for an aggregate of 6 months. Only members of the United States Armed Forces who meet the criteria established for the Armed Forces Expeditionary Medal or the Vietnam Service Medal during the period of service required are considered to have contributed direct combat support to the Republic of Vietnam Armed Forces; or, did not complete the length of service required, but who, during wartime, were: wounded by the enemy (in a military action), captured by the enemy during action or in the line of duty, but later rescued or released, killed in action or in the line of duty; or were assigned in Vietnam on 28 Jan 73, and served in Vietnam for the entire period between 29 Jan 73 to 28 Mar 73.

Per Air Force Personnel Center, Directorate of Assignments memorandum, dated 26 Apr 21, while boots-on-ground in Thailand could be verified, inclusive dates for service in Thailand could not be verified. Additionally, no foreign service in the Republic of Vietnam could be verified. Based on the applicant's evaluation report, AF Form 77, he was assigned to the XX Tactical Fighter Squadron from 15 Jun 74 to 10 Oct 74, which is outside the authorized award period, rendering him ineligible for the Vietnam Service Medal and Republic of Vietnam Campaign Medal. To grant relief would be contrary to the criteria established by AFMAN 36-2806.

The complete advisory opinion is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent copies of the advisory opinions to the applicant on 30 Mar 23 for comment (Exhibit E) 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 believes he qualifies for the Vietnam Service Medal and the Republic of Vietnam Campaign Medal. However, although the Directorate of Assignments verified the applicant's service in Thailand, the inclusive dates could not be verified. In addition, according to the applicant's evaluation reports, his service in Thailand was outside the authorized award periods for the Vietnam Service Medal and Republic of Vietnam Campaign 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-2020-03508 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, dated 9 Nov 20.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, AFPC/DP3AM, dated 26 Apr 21.
Exhibit D: Advisory Opinion, AFPC/DP3SP, dated 30 Dec 22.
Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 30 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