

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2020-01393

XXXXXXCCC

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

His DD Form 214, *Report of Separation from Active Duty*, be changed to reflect Foreign Service time in Vietnam.

### APPLICANT'S CONTENTIONS

His record does not show his time in Vietnam.

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 18 Nov 70, the applicant enlisted in the Regular Air Force.

According to Special Order *Work-Product* dated 21 Jun 72, the applicant was scheduled to proceed on or about 1 Jul 72 from *Work-Product*, Philippines to *Work-Product*, Republic of Vietnam on a temporary duty assignment for 60 days and return to *Work-Product*, Philippines.

On 17 Dec 74, the applicant was discharged and furnished a DD Form 214. He was credited with 4 years of active duty service and 2 years, 5 months and 26 days of Foreign Service time.

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

### APPLICABLE AUTHORITY/GUIDANCE

DoDI 1336.01, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)* and AFI 36-3202, *Separation Documents*. The DD Form 214 during the applicant's service was prepared in accordance with the aforementioned publications and is used to record qualifying active duty service. Foreign Service locations are not an authorized entry on the DD Form 214. Foreign Service is annotated in increments of years, months, and days.

## **AIR FORCE EVALUATION**

AFPC/DP3AM recommends denying the application, indicating the information provided and the Master Personnel Records did not contain information, which reflects the applicant served in the Republic of Vietnam.

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 1 Dec 20 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/DP3AM 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 Air Force Instruction 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 evidence did not demonstrate material error or injustice, 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 Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2020-01393 in Executive Session on 28 Jul 21:

- , 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 24 Oct 18.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory opinion, AFPC/DP3AM, dated 23 Oct 20.

Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 1 Dec 20.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.

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Board Operations Manager, AFBCMR