



Work-Product

## UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-00620

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

His DD Form 214, *Armed Forces Report of Transfer or Discharge*, dated 2 Feb 70, be corrected to reflect the following awards:

- a. Vietnam Service Medal (VSM)
- b. Republic of Vietnam Campaign Medal (VCM).

### APPLICANT'S CONTENTIONS

While on temporary duty to Japan, he was sent to Vietnam for a period of 16 days. Not having this service reflected in his records is preventing him from receiving the appropriate veterans' benefits, to include healthcare.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a former Air Force staff sergeant (E-5).

On 2 Feb 70, according to his DD Form 214, he was honorably discharged and credited with 3 years, 9 months, and 26 days of total active service. Item 26, *Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized*, reflects: National Defense Service Medal, Small Arms Expert Marksmanship Ribbon, and the Air Force Outstanding Unit Award.

According to his AF Form 910, *TSgt, SSgt, and Sgt Performance Report*, dated 2 Oct 68, during the reporting period of 9 Oct 67 – 1 Oct 68, while assigned to the 316<sup>th</sup> Field Maintenance Squadron as a Turbo-Propellor Repairman, he was sent on Temporary Duty (TDY) to Tachikawa AB, Japan for the period of 5 Feb 68 – 24 Jul 68.

On 25 Jul 68, according to Form 1351-2, *Travel Voucher or Subvoucher*, document provided by the applicant, reflects he was paid for his TDY to Japan for the period of 5 Feb 68 – 22 Jul 68, to include his TDY to Nha Trang AB, Vietnam for 16 days (27 Feb 68 – 12 Mar 68). This is confirmed by his AF Form 7, *Airman Military Record*, Section 2, *Foreign Service*, which reflects: "TDY SEA, 27 Feb 68 – 13 Mar 68, 16 days."

On 18 Sep 23, according to AFPC Directorate of Assignments (AFPC/DP3AM) memorandum, they were able to verify and confirm his boots on the ground foreign service time in the Republic of Vietnam, from 27 Feb 68 to 13 Mar 68, for 16 days.

AFBCMR Docket Number BC-2021-00620

Work-Product

Work-Product

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

## **AIR FORCE EVALUATION**

AFPC/DP3SP recommends denying award of the Vietnam Service Medal and the Republic of Vietnam Campaign Medal. According to 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 who, on or after 4 Jul 65 through 28 Mar 73 served for one or more days with an organization participating in or directly supporting military operations in Vietnam, contiguous waters, or air space, including service in Thailand, Laos, Cambodia, or their air space or served 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.

According to AFMAN 36-2806, 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.

Although the applicant provided a paid Travel Voucher which reflects TDY to Nha Trang AB, Vietnam, and his AF Form 7 reflects he was TDY in Southeast Asia for 16 days, from 27 Feb 68 – 13 Mar 68, he did not meet the eligibility criteria for either award as he was not in the area of eligibility for an aggregate of 30 consecutive days or 60 non-consecutive days for the award of the Vietnam Service Medal or an aggregate of 6 months for the award of the Republic of Vietnam Campaign Medal.

After a thorough review of the applicant's submission and official military record, to possibly provide administrative relief, there is no evidence of an error or injustice. To grant relief would be contrary to the criteria established by DoDM 1348.33, *Manual of Military Decorations and Awards*, and 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 5 Apr 23 for comment (Exhibit D), but has received no response.

## **FINDINGS AND CONCLUSION**

1. The application was not timely filed.
2. The applicant did not exhaust 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. While the applicant believes that he qualifies for the award of the Vietnam Service Medal and the award of the Republic of Vietnam Campaign Medal because he served on temporary duty in Vietnam, the Board disagrees. Per AFMAN 36-2806, there is no evidence that the applicant met the criteria for the Vietnam Service Medal as he did not serve within the geographical confines for an aggregate of 30 consecutive, or 60 non-consecutive days or an aggregate of six months for award of the Republic of Vietnam Campaign Medal. 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 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 Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2021-00620 in Executive Session on 30 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 21 Jan 21.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 22 Dec 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 5 Apr 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.

1/17/2024

X Work-Product

---

Work-Product

Board Operations Manager, AFBCMR  
Signed by: USAF