

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-00933

XXXXXXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, be corrected to include the following:

- a. Good Conduct Medal
- b. Additional awards or decorations he has earned.
- c. Boots-on-Ground in the Republic of Vietnam

APPLICANT'S CONTENTIONS

Documentation is missing due to poor record keeping or maybe lack of personnel. He recently found his shot records.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an honorably discharged Air Force airman first class (E-4).

On 31 Mar 66, according to AF Form 626, *Temporary Duty Order – Military* (Special Order No. XXX), the applicant was ordered to temporary duty to Da Nang Air Base, Vietnam, effective on or about 12 Apr 66, for approximately 10 days.

On 11 Aug 66, the applicant was furnished an honorable discharge and credited with 3 years, 11 months, and 15 days active service, of which 1 year, 4 months, and 7 days was foreign and/or sea service.

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

APPLICABLE AUTHORITY

Title 10, United States Code, Section 1168: Discharge or release from active duty: limitation; DoDI 1336.01, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*; AFI 36-3202, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*; DD Form 214 Total Force Personnel Services Delivery Guide. The DD Form 214 is 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.

The Air Force Personnel Center Directorate of Assignments (AFPC/DP3AM) is responsible for determining an Air Force member's Foreign Service. Since specific locations are not annotated

on the DD Form 214, they will prepare a Boots-on-Ground letter if they are able to verify a member served at a specific foreign location. This letter may be used to validate overseas service.

AIR FORCE EVALUATION

AFPC/DP3AM (Directorate of Assignments) recommends denying the applicant's request for boots-on-ground in the Republic of Vietnam. A review of his master personnel record and documentation submitted failed to provide any documents that substantiate foreign service time in the Republic of Vietnam.

The complete advisory opinion is at Exhibit C.

AFPC/DP3SP (Recognition Program) recommends denying the applicant's request for awards earned during active duty service in Vietnam. Based on documentation presented and review of the official record, there is no error/injustice as the applicant does not meet the established criteria for award of the Vietnam Service Medal, Republic of Vietnam Campaign Medal, or the Republic of Vietnam Gallantry Cross with Palm. 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 any member of the U.S. Armed Forces serving in Vietnam, contiguous waters, or air space, including service in Thailand, Laos, Cambodia, or their air space, on or after 4 Jul 65 through 28 Mar 73. Serve 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. To qualify for award of the Vietnam Service Medal a member must meet one of the following qualifications: be attached to or regularly serve for one or more days with an organization participating in or directly supporting military operations; be attached to or regularly serve for one or more days aboard a naval vessel directly supporting military operations; actually, participate as a crewmember in one or more aerial flights into airspace above Vietnam and contiguous waters directly supporting military operations; serve 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.

A12.9.5. The Republic of Vietnam Campaign Medal is awarded to members of U.S. Armed Forces who between 1 Mar 61 and 28 Mar 73: served for 6 months in South Vietnam during the above dates; or served outside the geographical limits of South Vietnam and contributed combat support to the Republic of Vietnam Armed Forces for an aggregate of six months. Only members of the U.S. Armed Forces who meet the criteria established for the Air Force Expeditionary Medal (Vietnam) 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 as listed above, but who, during wartime were either: wounded by the enemy in a military action; or captured by the enemy during action or in the line of duty, but later rescued or released; or killed in action or in the line of duty. Service members who were assigned in Vietnam on 20 Jan 73 and who served a minimum of 60 calendar days in Vietnam during the period of 29 Jan 73 to 28 Mar 73 qualify for the medal.

A12.10.4. The Republic of Vietnam Gallantry Cross Unit Citation with Palm was awarded by the Republic of Vietnam to certain units of the U.S. Armed Forces for valorous combat achievement during the Vietnam Conflict, inclusive from 1 Mar 961 to 28 Mar 73. Only one Republic of Vietnam Gallantry Cross Unit Citation with Palm is worn regardless of the number of awards received.

A15.4. The Army Good Conduct Medal is awarded only to enlisted Air Force members from 28 Jul 54 to 31 May 63, for "exemplary conduct" (exemplary behavior, efficiency, and fidelity),

while in active service of the U.S. The medal recognized enlisted members who honorably completed three continuous years of active military service. Members must have demonstrated a positive attitude toward the Air Force and their jobs.

AF Form 626, dated 31 Mar 66, reflects deployment from Kadena Air Base, Okinawa to Da Nang Air Base, Vietnam, effective on or about 12 Apr 66 for approximately 10 days; however, according to AFPC/DP3AM memorandum, dated 30 Aug 21, foreign service time in the Republic of Vietnam could not be verified. To grant relief would be contrary to the criteria established by AFMAN 36-2806.

Notwithstanding, they were able to verify the applicant's eligibility for the Air Force Outstanding Unit Award with two Bronze Oak Leaf Clusters and the Air Force Good Conduct Medal. The applicant's active duty dates from 27 Aug 62 to 11 Aug 66 rendered him eligible for the Air Force Good Conduct Medal rather than the Army Good Conduct Medal. Accordingly his record will be administratively corrected.

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 19 Apr 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. Foreign service in the Republic of Vietnam could not be verified. Consequently, the applicant did not meet the criteria for award of the Vietnam Service Medal, Republic of Vietnam Campaign Medal, or Republic of Vietnam Gallantry Cross with Palm established by AFMAN 36-2806. 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, except for the aforementioned administrative corrections, 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-2021-00933 in Executive Session on 19 Oct 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 6 Nov 20.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, AFPC/DP3AM, dated 30 Aug 21.
Exhibit D: Advisory Opinion, AFPC/DP3SP, dated 29 Dec 22.
Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 19 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.

X

Board Operations Manager, AFBCMR