



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-01094

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be amended to include award of the Vietnam Service Medal.

APPLICANT'S CONTENTIONS

As a chief master sergeant with nearly 30 years of active duty service, he finds the omission of the Vietnam Service Medal from his record an injustice. To qualify for award of the Vietnam Service Medal a member must serve 30 continuous days in country. He served in Work-Product from 29 July 1972 to 31 October 1972. However, he was informed that he had to serve for one year to be eligible for the Vietnam Service Medal.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force chief master sergeant (E-9).

On 11 November 1971, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant enlisted in the Regular Air Force. On 30 April 2001, the applicant received an honorable character of service in the grade of chief master sergeant. Type of Separation reflects "Retirement." He served 29 years, 5 months, and 20 days total active duty. His Narrative Reason for Separation reflects "Sufficient Service for Retirement."

Effective 30 April 2001, according to Special Orders No. Work-Product, the applicant was relieved from active duty and retired on 1 May 2001 in the grade of chief master sergeant. He served 29 years, 5 months, and 20 days total active service for retirement.

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 the application. After a thorough review of the applicant's official military personnel record and provided documentation to possibly provide administrative relief, award of the Vietnam Service Medal is unable to be verified.

IAW AFMAN 36-2806, 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,

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POC: SAF.MRBC.Workflow@us.af.mil

Cambodia, or their air space, on or after 4 July 1965 through 28 March 1973. 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.

The applicant provided two pages of SF 600, *Chronological Record of Medical Care*, reflecting 432nd USAF Hospital [Work-Product] dated 4 September 1972 and 22 September 1972; however, it is unable to be verified the applicant was in the area of eligibility for 30 consecutive days or 60 nonconsecutive days for award of the Vietnam Service Medal. 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. To grant the request is 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 8 May 2023 for comment (Exhibit D) and on 9 May 2023, the Board staff received additional documentation from the applicant. The applicant contends he was assigned to the [Work-Product] Field Maintenance Squadron as a hydraulic technician participating in and directly supporting military operations. He ensured any permanently assigned or TDY F-4 Phantom aircraft were properly repaired and serviced and ready for combat; the same as he did during Desert Storm. He deployed from the [Work-Product] Tactical Fighter Wing, [Work-Product], [Work-Product] Field Maintenance Squadron along with various personnel from other squadrons to include pilots from the [Work-Product] Tactical Fighter Squadron. He deployed with this group and returned to [Work-Product] with this group. Further, he provided excerpts from a book he wrote detailing his time with the [Work-Product] TRW.

The applicant's complete response is at Exhibit E.

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 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-2021-01094 in Executive Session on 30 November 2023:

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 2 January 2021.

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

Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 1 February 2023.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 8 May 2023.

Exhibit E: Applicant's response, not dated.

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.

12/12/2023

X

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Board Operations Manager, AFBCMR
Signed by: USAF