



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-01150

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

He served with the [Work-Product], [Work-Product], in support of the evacuation of refugees from Saigon in April 1975.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force master sergeant (E-7).

On 25 February 1975, according to DD Form 214, the applicant enlisted in the Regular Air Force.

According to AF Form 909, *Airman Performance Report*, for the period 25 February 1975 through 25 August 1976, the applicant received his initial report while he was assigned to the [Work-Product]
[Work-Product]

On 2 February 1995, a Report on Individual Person was prepared in preparation for the applicant's retirement. The report included the applicant's overseas duty history and indicates he was assigned to [Work-Product] for 24 months for the period 9 June 1985 to 8 July 1987 and the [Work-Product] for 36 months for the period 5 August 1987 to 23 August 1990.

On 31 March 1995, according to DD Form 214, the applicant was discharged for the purpose of retirement. Item 13, *Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized*, reflects: Air Force Commendation Medal, with one Device; Defense Meritorious Service Medal; Meritorious Service Medal; Air Force Training Ribbon; Air Force Overseas Long Tour Ribbon with one Device; National Defense Service Medal; Air Force Longevity Service Award with four Devices; Noncommissioned Officer Professionalism Military Education Ribbon with one Device; Air Force Outstanding Unit Award; Joint Meritorious Unit Award; Air Force Good Conduct Medal with five Devices; Southwest Asia Service Ribbon.

On 1 April 1995, according to Special Orders No. [Work-Product], dated 29 October 1994, the applicant was retired in the rank of master sergeant. He served 20 years, 1 month, and 6 days total active service for retirement.

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Controlled by: SAF/MRB

CUI Categories: [Work-Product]

Limited Dissemination Control: N/A

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

On 10 October 1995, DD Form 215, *Correction to DD Form 214, Certificate of Release or Discharge from Active Duty*, was published, which updated the applicant's middle initial to his full middle name and amended the Air Force Good Conduct Medal with five Devices to the Air Force Good Conduct Medal with one Silver Oak Leaf Cluster.

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

APPLICABLE AUTHORITY/GUIDANCE

Executive Order 10977, *Establishing the Armed Forces Expeditionary Medal*, dated 4 December 1961; DoDM 1348.33, Volume 2, *Manual of Military Decorations and Awards: DoD Service Awards-Campaign, Expeditionary, and Service Medals*; AFMAN 36-2806, *Awards and Memorialization Program*.

The Armed Forces Expeditionary Medal is awarded to members of the U.S. Armed Forces who, after 1 July 1958, participated in U.S. military operations, U.S. operations in direct support of the United Nations, or U.S. operations of assistance for friendly foreign nations. The Joint Chiefs of Staff designates operations that qualify for the Armed Forces Expeditionary Medal, specifies the degree of participation required, and defines the area of operations.

Operation FREQUENT WIND for the period 29 and 30 April 1975, is an approved military operation that has been approved for award of the Armed Forces Expeditionary Medal.

Service members who earned the Armed Forces Expeditionary Medal for Operation FREQUENT WIND between 29 and 30 April 1975 may elect to receive the Vietnam Service Medal instead of the Armed Forces Expeditionary Medal pursuant to Public Law 107-314, Section 542. No service member may be issued both medals for service in Vietnam.

AIR FORCE EVALUATION

AFPC/DP3SP (Recognition Program) recommends denying award of the application. According to 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, Cambodia, or their air space, on or after 4 July 1965 through 28 March 1973. 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.

After a thorough review of the applicant's official military personnel record and provided documentation to possibly provide administrative relief, they are unable to verify award of the Vietnam Service Medal. The award inclusive period for the evacuation of Saigon was carried out on 29 through 30 April 1975. The applicant's time of active duty service from 25 February 1975 to 31 March 1995 are after the award inclusive dates for the Vietnam Service Medal.

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 22 June 2023 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 applicant claims he should be awarded the Vietnam Service Medal because he supported the April 1975 evacuation of refugees in [Work-Product] while assigned to the [Work-Product] [Work-Product]. It appears the applicant is referring to Operation FREQUENT WIND. However, the applicant's airman performance report during the period in question indicates he was assigned to the [Work-Product], [Work-Product] and does not support his contentions. In addition, the applicant's record does not indicate evidence he meets the criteria for award of the Armed Forces Expeditionary Medal in support of Operation FREQUENT WIND; therefore, he would not be eligible to elect to receive the Vietnam Service Medal instead of the Armed Forces Expeditionary Medal pursuant to Public Law 107-314, Section 542. Therefore, the Board recommends against correcting the applicant's records. 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 and finds the application untimely.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

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-2021-01150 in Executive Session on 14 December 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 29 March 2021.

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

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Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 17 February 2023.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 22 June 2023.

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.

1/10/2025

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Board Operations Manager, AFBCMR

Signed by:

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