

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-01380

XXXXXXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be corrected to reflect Foreign Service in Saudi Arabia.

APPLICANT'S CONTENTIONS

He served in Saudi Arabia during Operation DESERT STORM.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force senior airman (E-4).

On 2 Mar 88, the applicant entered the Regular Air Force.

On 26 Jul 91, the applicant was released from active duty and furnished a DD Form 214. He was not credited with Foreign Service time.

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

APPLICABLE AUTHORITY/GUIDANCE

Department of Defense Instruction 1336.1, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*, which establishes and implements policy for the preparation and distribution of the DD Form 214, does not include a provision for update of temporary duty (TDY) assignments/locations on the DD Form 214. AFI 36-2110, *Total Force Assignments*, states; use a combination of the following documents to verify completed TDY assignments: travel vouchers, PCS orders, decoration citations, enlisted or officer performance reports and records review Report on Individual Personnel.

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 Assignment Policy Directorate (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 recommends denying the application. A review of the military personnel record and documentation submitted failed to substantiate Foreign Service in the Kingdom of Saudi Arabia.

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 12 Jul 21 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. According to the guidance listed above, the applicant has not established he served in the Kingdom of Saudi Arabia during Operation DESERT STORM, or that his record is in error. Therefore, the Board 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)*. 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 Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2021-01380 in Executive Session on 17 Mar 22:

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 15 Jan 21.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3AM, dated 29 Jun 21.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 12 Jul 21.

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