

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-01408

XXXXXXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Correct his DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, Block 32. *Remarks*, to reflect foreign service in the Republic of Vietnam.

APPLICANT'S CONTENTIONS

His DD Form 214 does not indicate the place of foreign duty, as reflected on his issued passport.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an honorably discharged Air Force airman second class (E-3).

On 25 Mar 63, the applicant was furnished an honorable discharge and credited with 3 years, 6 months, 11 days active service, of which 1 years, 3 months, 5 days was foreign and/or sea service.

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

AIR FORCE EVALUATION

AFPC/DP3AM recommends denying the application. DP3AM was able to verify and confirm foreign service in the Republic of the Philippines from 19 Dec 61 to 23 Mar 63 but was unable to verify any foreign service in the Republic of Vietnam.

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 29 Jun 21 for comment (Exhibit D) but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed, but it is in the interest of justice to excuse the delay.
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 the victim of an error or injustice. While the Board notes the recommendation of AFPC/DP3AM against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions

in part. Specifically, the applicant has provided copies of pages from his military passport reflecting stamps from the Republic of Vietnam on two separate occasions, which is sufficient to justify granting the applicant credit for boots-on-ground in that country. However, for the remainder of the applicant's request, the evidence presented did not demonstrate an error or injustice, and the Board therefore finds no basis to recommend granting that portion of the applicant's request. Therefore, the Board recommends correcting the applicant's records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to the APPLICANT be corrected to show he had boots on the ground in the Republic of Vietnam within the time period of 15 September 1959 and 25 March 1963.

However, regarding the remainder of the applicant's request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

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-2021-01408 in Executive Session on 1 Feb 22:

, Panel Chair
, Panel Member
, Panel Member

All members voted to correct the record. The panel considered the following:

Exhibit A: Application, DD Form 149, w/atchs, dated 10 Feb 21.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, AFPC/DP3AM, dated 16 Jun 21.
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 29 Jun 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.

X

Board Operations Manager, AFBCMR