

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-02294

XXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Correct his DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, to reflect his Vietnam War service.

APPLICANT'S CONTENTIONS

He would like to have his DD Form 214 amended to reflect his Vietnam War service for Veterans Administration health care eligibility for Agent Orange.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an honorably discharged Air Force staff sergeant (E-5).

On 22 Jan 71, according to AF Form 626, *Request and Authorization for Temporary Duty – Military* (Special Order No. XXXXX), provided by the applicant, he was ordered to temporary duty (TDY) to U-Tapao, Royal Thai Air Force Base, effective on or about 5 Feb 71 for approximately 90 days.

On 22 Mar 71, according to Standard Form 600, *Chronological Record of Medical Care*, the applicant was treated at the 824th United States Air Force (USAF) Dispensary, Kaden Air Base (AB), Okinawa.

On 23 Mar 71, according to SF 600, the applicant was treated at the 824th USAF Dispensary, Kaden AB, Okinawa.

On 21 Apr 71, according to SF 600, the applicant was treated at the 824th USAF Dispensary, Kaden AB, Okinawa.

According to the applicant's Uniform Military Personnel Record, dated 24 Jan 72, the applicant was credited with two combat missions in Southeast Asia (SEA) and was awarded the Vietnam Service Medal.

On 24 Jan 72, the applicant was furnished an honorable discharge, and credited with 4 years active service, of which 2 years, 4 months were 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.

APPLICABLE AUTHORITY

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.

AIR FORCE EVALUATION

AFPC/DP3AM recommends denying the application as they were unable to verify any service in the Republic of Vietnam. The information provided by the applicant and his Master Personnel Records do not contain information that reflects the applicant served 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 16 Nov 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. The applicant provided TDY orders to U-Tapao, Royal Thai Air Force Base; however, as noted in the applicable authority, TDY orders alone are not sufficient evidence the TDY was actually executed. While the applicant supported operations during the Vietnam War, as indicated by award of the Vietnam Service Medal (VSM), service in the Republic of Vietnam could not be verified. However, the Board notes the VSM was inadvertently left off the applicant's DD Form 214 and has verified the OPR will be administratively correct his record. 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, except for the aforementioned administrative correction, 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-2021-02294 in Executive Session on 19 May 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 1 Jun 21.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, AFPC/DP3AM, dated 10 Nov 21.
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 16 Nov 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