

## RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-03616

XXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be corrected to reflect:

1. Award of the Air Medal with three Bronze Oak Leaf Clusters (AM w/3 BOLCs) to include the award citation. **(Will be administratively corrected to reflect award of the AM w/3 BOLCs).**
2. Award of the Air Force Outstanding Unit Award with Valor with three Bronze Oak Leaf Clusters (AFOUA w/V and 3 BOLCs) **(Will be administratively corrected to reflect award of the AFOUA).**
3. Award of the Vietnam Service Medal (VSM).
4. Award of the Republic of Vietnam Campaign Medal (RVNCM).
5. Award of the Combat Crew Member Badge.
6. His Vietnam service from 21 Aug 71 to 19 Jul 73.

### APPLICANT'S CONTENTIONS

Due to the Top Secret security clearance required during this time frame, along with the nature and sensitivity of the highly classified mission, the requested awards were omitted from his record. His unit of assignment was based at Kadena AB, Okinawa, organized under the National Security Agency (NSA), indirectly attached to another major command, which may have hampered administrative record keeping between these entities.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

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

On 3 Jun 71, according to AF Form 1712, *Uniform Military Personnel Record*, the applicant departed for an 18-month tour to the area RYUKYU Islands (Kadena AB, Okinawa) with a Date Estimate Return from Overseas (DEROS) of 8 Aug 73.

On 15 Aug 71, according to AF Form 1712, the applicant's Pay Data reflected Hostile Fire-Crew.

On 30 Dec 71, the applicant was medically treated at the 56 USAF Dispensary, Nakhon Phanom (NKP), Royal Thai AB, Thailand.

During the period Jan 72 thru Feb 73, the applicant was seen by medical personnel at the Kadena AB Medical Clinic to determine his flight status while assigned to the 6990<sup>th</sup> Security Group, as a Combat Aircrew Member for classified flying duty.

On 7 Jun 72, according to Special Order XX-XX, submitted by the applicant, he was awarded the Air Medal while participating in sustained aerial flight with the 6990<sup>th</sup> Security Group, from 21 Aug 71 to 14 Apr 72. During this period, outstanding airmanship and courage were exhibited in the successful accomplishment of important missions flown under extremely hazardous conditions.

On 2 Oct 72, according to Special Order XX-XXX, submitted by the applicant, he was awarded the AM, 1<sup>st</sup> Oak Leaf Cluster (OLC) for the period 18 Apr 72 to 18 Aug 72.

On 24 Apr 73, according to Special Order XX-XX, submitted by the applicant, he was awarded the AM, 2<sup>nd</sup> OLC for the period 26 Aug 72 to 7 Mar 73.

During the month of Jun 73, according to documents submitted by the applicant, he received Foreign Service and hostile fire pay.

On 21 Jul 73, the applicant was honorably discharged, having served 3 years, 11 months, and 11 days of active service, to include 2 years, 1 month, and 17 days of Foreign Service.

On 17 Aug 73, according to Special Order XX-XX, submitted by the applicant, he was awarded the AM, 3<sup>rd</sup> OLC for the period 16 Mar 73 to 26 Apr 73.

According to a historical article published by the Defense Information Systems Agency (DISA) the 6990<sup>th</sup> Security Group, received the AFOUA w/V for the periods: 1 Jan 69 – 31 Dec 69, 1 Jan 70 – 31 Dec 70, 1 Jan 71 – 31 Dec 71, 1 Jan 72 – 30 Jun 73 (Exhibit I).

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

## **APPLICABLE AUTHORITY/GUIDANCE**

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.

AFMAN 11-402, Aviation and Parachutist Service,

5.3. Permanent Award of USAF Aircrew Member Badges. A career enlisted aviator, nonrated officer aircrew member, or non-career enlisted aviator enlisted aircrew member may qualify for an aircrew member badge when the member is: (1) qualified for aviation service, (2) assigned an active or inactive flying status code, and (3) not separated, suspended, or disqualified from aviation service. The servicing Host Aviation Resource Management office permanently awards the basic airman aircrew member badge to a career enlisted aviator or other non-rated aircrew member effective the date the member satisfies the requirement listed in Table 5.1 or meets one of the requirements in paragraphs 5.3.1 – 5.3.4 listed below: (T-1).

5.3.3. Member participated in at least 10 combat missions as a primary aircrew member in a designated combat zone. (T-1). *Combat support missions* do not qualify for purposes of this computation. MAJCOMs/Lead Commands for the MDS shall further define combat missions requirements. (T-2).

## **AIR FORCE EVALUATION**

AFPC/DP3SP recommends denying the applicant's request for award of the AFOUA w/V and 3 BOLCs, the VSM, and the RVNMC. Their review of the applicant's official records and documentation he provided did verify award of the AM w/3 BOLCs; however, the citation for the 3<sup>rd</sup> BOLC was not present in the official record. In addition, they were able to partially administratively correct his record (the 3rd BOLC award citation was not present in the official record); however, they were unable to verify award of the other aforementioned awards. Specifically, they were unable to verify he met the following awards criteria per AFMAN 36-2806, *Military Awards: Criteria and Procedures*:

1. The VSM 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 Jul 65 through 28 Mar 73.

- Qualification: Must meet one of the following qualifications:
  - Attached to or regularly serve for 1 or more days with an organization participating in or directly supporting military operations.
  - Attached to or regularly serve for 1 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.

2. RVNMC. The Secretary of Defense approved acceptance and wear of the medal on 7 Feb 66. The RVCM was awarded to members of the U.S. Armed Forces who between 1 Mar 61 and 28 Mar 73 who:

- Served for 6 months in South Vietnam during the above dates
- Served outside the geographical limits of South Vietnam and contributed combat support to the Republic of Vietnam Armed Forces for an aggregate of six months. Only members of the U.S. Armed Forces who meet the criteria established for the Air Force Expeditionary Medal (Vietnam) or the Vietnam Service Medal during the period of service required are considered to have contributed direct combat support to the Republic of Vietnam Armed Forces
- Did not complete the length of service required as listed above, but who, during wartime were
  - Wounded by the enemy in a military action
  - Captured by the enemy during action or in the line of duty, but later rescued/released
  - Killed in action or in the line of duty.
- Were assigned in Vietnam on 20 Jan 73 and who served a minimum of 60 calendar days in Vietnam during the period of 29 Jan 73 to 28 Mar 73.

3. AFOUA. The award was established by SECAF on 6 Jan 54, to recognize numbered units that have distinguished themselves by exceptionally meritorious service or outstanding achievement that clearly sets the unit above and apart from similar units. The AFOUA may also be awarded for achievements of national or international significance, combat operations against an armed enemy of the United States, or military operations involving conflict with or exposure to hostile actions by an opposing foreign force.

#### A10.4.1. Eligibility.

A10.4.1.1. The Air Force Outstanding Unit Award is awarded to numbered units such as air forces, air divisions, wings, groups, squadrons, provisional units, and medical facilities (i.e. hospitals, clinics, medical centers (numbered or unnumbered)).

A10.4.1.2. Detachments, operating locations, training sites, and Air Force elements are often included in the parent unit's award; however, they may be considered on their own merit or identified by the parent unit to share in the award, but not both.

A10.4.1.3. Unnumbered units may not be nominated for the Air Force Outstanding Unit Award, however, they may be submitted for the Air Force Organizational Excellence Award.

A10.4.1.4. Units below squadron level are not eligible for the Air Force Outstanding Unit Award.

AM: The applicant provided Special Order Work-Pro... for award of the AM w/3 BOLCs; however, the award citation document was unable to be located in his official military personnel record.

To grant the request for award of the AFOUA w/V, VSM, and the RVNCM would be contrary to the established criteria as set by the Secretary of the Air Force, Department of Defense and law.

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 Oct 22 for comment (Exhibit D), and the applicant replied on 31 Oct 22. In his response, the applicant acknowledged the verification of the award of the AM w/3 BOLCs, and that no citation was located in his official records but opined that maybe a new award certificate can be prepared and sent to him. He refutes AFPC/DP3SP's recommendation to deny award of the AFOUA w/V and 3 BOLCs, the VSM, and the RVCM because he did not meet award criteria. He contends:

- His unit, 6990<sup>th</sup> Security Group was based at Kadena Air Base (AB), Okinawa, with the mission to fly communications intercept missions (extremely hazardous conditions) in the Gulf of Tonkin as well as over the DMZ into Laos , and along the border of North Vietnam intercepting North Vietnamese communications.
- He flew over 80 missions from Aug 71 to Jul 73.
- He was TDY to NKP, Royal Thai AB in Thailand from Nov 71 to Jan 72.
- He served in a combat support role to the Republic of Vietnam Armed Forces for 23 months, Aug 71 to Jul 73.
- His unit, 6990<sup>th</sup> Security Group flew the communication intercept missions from 1967 until into 1973, during which time being awarded the AFOUA. He reiterates his application contention that administrative errors may have hampered recording of subsequent AFOUAs.

Without correcting his DD Form 214 to reflect he is a Vietnam veteran, he is not eligible for Department of Veteran's Affairs (DVA) medical treatment (Agent Orange) and benefits, or certain Veterans Associations. In support of his contentions, he submitted an article about "SAC Reconnaissance in the Vietnam Conflict."

The applicant's complete response is at Exhibit E.

## **AIR FORCE EVALUATION**

HQ AF/A3TM recommends denying the applicant his request for award of the Combat Crew Member Badge. Current and previous AFMAN 11-402, *Aviation and Parachutist Service*, and previous AFR 35-13 guidance dating back as far as 1957 did not reference Combat Crew Member Badge and the requirement to earn such a badge. A review of AFR 35-13, dated 15 Aug 68 revealed "An individual who has been incapacitated for further aircrew duty by reason of being wounded as a result of enemy action or injured as the result of an aircraft accident while an aircrew member or has participated in at least 10 combat missions as a crew member under probable exposure to enemy fire, is permanently authorized to the Aircrew Member Badge." Such a permanent award will be published in Special Orders, indorsed by the commander concerned, and entered in the AF Form 7 of individuals so entitled. There is no documentation submitted by the applicant or in his official records supporting this request.

The complete advisory opinion is at Exhibit F.

## **APPLICANT'S REVIEW OF AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 8 Nov 22 for comment (Exhibit G), and the applicant replied on 10 Nov 22. In his response, the applicant contended he does qualify for the Combat Crew Member Badge pursuant AFR 35-13, dated 15 Aug 68, having participated in at least 10 combat missions (he flew 80+ missions) as a crew member under probable exposure to enemy fire. During each mission they had USAF fighter coverage since their aircraft, the RC-135C, was an unarmed reconnaissance aircraft.

The applicant's complete response is at Exhibit H.

## **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 majority concludes the applicant is not the victim of an error or injustice. The Board majority concurs with the rationale and recommendation of AFPC/DP3SP and HQ AF/A3TM and finds a preponderance of the evidence does not substantiate the applicant's contentions. Specifically, the applicant's military record and the provided documentation do not support he met the established criteria for award of the VSM, RVNCOM, or the Aircrew Member Badge. Additionally, the Board notes in accordance with the *DD Form 214 Total Force Personnel Services Delivery Guide*. Foreign Service locations, (e.g., Vietnam) are not an authorized entry on the DD Form 214. The applicant's active duty time while stationed at Kadena AB, Okinawa, is already annotated on his DD Form 214, Block 22c, *Foreign and/or Sea Service*, and reflects 2 years, 1 month, and 17 days. The Board majority 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 majority does not find the assertion supported by a preponderance of the evidence. The Board majority does not find it in the interest of justice to waive the three-year filing requirement. Therefore, the Board majority finds the application untimely and recommends against correcting the applicant's records, beyond that rendered administratively.

## **RECOMMENDATION**

The Board majority 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-2021-03616 in Executive Session on 26 Apr 23 and 2 May 23:

, Panel Chair  
, Panel Member  
, Panel Member

A majority of the panel voted against correcting the record. Dr. Susan M. Blydenburgh voted to award the applicant the VSM and did provide a minority opinion (Exhibit I). The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 17 Oct 21.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 7 Oct 22
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 12 Oct 22.
- Exhibit E: Applicant's Response, w/atch, dated 31 Oct 22.
- Exhibit F: Advisory Opinion, HQ AF/A3TM, dated 2 Nov 22.
- Exhibit G: Notification of Advisory, SAF/MRBC to Applicant, dated 8 Nov 22.
- Exhibit H: Applicant's Response, dated 10 Nov 22
- Exhibit I: Minority Opinion, dated 3 May 23.

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.

**X**

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Board Operations Manager, AFBCMR