

**UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS**

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-03812

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Report of Separation from Active Duty*, dated 1 Oct 73, be amended to reflect:

- a. Item 19, *Indochina or Korea Service Since August 5, 1964*: "Yes"
- b. Item 26, *Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized*: Award of Vietnam Service Medal

APPLICANT'S CONTENTIONS

He qualifies for the Vietnam Service Medal because he served in Thailand for the appropriate time required; therefore, it should be reflected on his DD Form 214. In recent years, Vietnam veterans have become more active in clubs and organizations that support their service. Clubs, organizations, and community benefits are available, and the DD Form 214 is the only official document there is to validate service.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force staff sergeant (E-5) who entered the Regular Air Force on 20 Oct 69.

On 4 Jun 73, according to AF Form 1712, *Uniform Military Personnel Record*, page 2, section 7, *Awards*, includes a handwritten entry "VSM."

On 1 Oct 73, according to DD Form 214, the applicant was released from active duty and transferred to the Air Force Reserve. Item 19 reflects "No" and item 26, reflects: National Defense Service Medal; Small Arms Expert Marksmanship Ribbon; Air Force Good Conduct Medal (20 Oct 69 – 19 Oct 72), AFM 900-3."

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

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. 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 Directorate of Assignments (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 Manual (AFM) 35-5, *Separation Documents and General Separation Procedures*, dated 1 Jun 73. Table 2, *Instructions for Preparation of DD Form 214, Report of Separation from Active Duty*, Item 19, *Indochina or Korea Service Since August 5, 1964*. Check appropriate box [Yes or No] and consider only period of service being terminated. See item 18a¹ for explanation. Enter total number of days of such service, PCS [Permanent Change of Station] and TDY tours.

Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.4. The Board normally decides cases on the written evidence contained in the record. It is not an investigative body; therefore, the applicant bears the burden of providing evidence of an error or injustice.

AIR FORCE EVALUATION

AFPC/DP3SP (Recognition Program) recommends denying award of the Vietnam Service Medal. After a thorough review of the applicant's official military personnel record and provided documentation, they were unable to verify award of the Vietnam Service Medal. In accordance with Department of the Air Force Manual (DAFMAN) 36-2806, *Military Awards: Criteria and Procedures*, dated 27 Oct 22, paragraph A15.13., 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 Jul 65 through 28 Mar 73. 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; or 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.

The applicant provided AF Form 1712, dated 4 Jun 73, with "VSM" handwritten in section 7, *Awards*. It appears to have been altered. Based on the documentation presented and review of the official record, there is no error/injustice as the applicant does not meet the established criteria for award of the Vietnam Service Medal. To grant relief would be contrary to the criteria established by DAFMAN 36-2806.

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 21 Apr 23 for comment (Exhibit D) but has received no response.

¹ Item 18a. Airman: Total service completed between inclusive dates of the current enlistment less lost time.

ADDITIONAL AIR FORCE EVALUATION

AFPC/DP3AM (Directorate of Assignments) recommends denying the applicant's request for foreign service in Thailand. The Master Personnel Record did not contain any documentation that substantiates foreign service time in Thailand. However, they could verify 18 months of foreign service in Japan.

The complete advisory opinion is at Exhibit E.

APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION

The Board sent copies of the advisory opinion to the applicant on 31 May 23 for comment (Exhibit F), and the applicant replied on 30 Jun 23. In his response, the applicant contended he submitted a copy of the military record he received in 2009, which indicated award of the Vietnam Service Medal for that service on page 2, under section 6, *Decorations*. Because it had been written in by the person who did the necessary research, AFPC/DP3SP claims it had been "altered" and thereby denying his request. The addition was done at the military records level and that is what he received and sent to the AFBCMR as evidence of service. He did serve for 60 days TDY in Takhli, Thailand.

He was assigned as a munitions maintenance specialist with the 400th Munitions Maintenance Squadron at Kadena Air Base, Okinawa. In early May 72, a team from that unit, which included him, was sent TDY from [redacted] *Work-Product* for its re-opening. They prepared the overgrown bomb dump for action to support the 49th TFW from Holloman AFB, New Mexico that began arriving within a few days with F-4s. If the AFBCMR researched movement by the 400th Munitions Maintenance Squadron during this period, they should be able to verify this deployment of personnel including orders with team member names.

He is very disappointed his claim could not be validated. He did serve that duty for 60 days, spending 12 hours a day in 100-degree heat clearing out weeds and snakes around the munitions area, then building bombs and other weapons 6 days a week to support the mission. He knows that records may not be as complete and easy to find as they are today with computers and other technology, but veterans from that era should be able to receive the benefits earned.

The applicant's complete response is at Exhibit G.

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 believes he qualifies for the Vietnam Service Medal because he went TDY to Thailand. However, although the Directorate of Assignments verified the applicant's service in Japan; they could not verify his claim of service in Thailand. The applicant expresses if the AFBCMR researched movement by the 400th Munitions Maintenance Squadron while he was assigned in Japan, they should be able to verify his TDY to Thailand. However, per DAFI 36-2603, the Board normally decides cases on the written evidence contained in the record. It is not an investigative body; therefore, the applicant bears the burden of providing evidence of an error or injustice. Furthermore, the Board notes AFPC/DP3SP indicates "VSM" appears to be altered

on a copy of AF Form 1712 provided by the applicant; however, the National Personnel Records Center copy of AF Form 1712 also includes the identical handwritten "VSM." Nevertheless, there is no evidence in the record the applicant went TDY to Thailand or another location that qualifies him for the Vietnam Service Medal. Therefore, the Board concurs with the recommendation of AFPC/DP3SP and finds a preponderance of the evidence does not substantiate the applicant's contentions. In addition, there is no evidence the applicant had a PCS assignment to Thailand or Korea; therefore, according to AFM 35-5, a change to item 19 is not warranted. 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 DAFI 36-2603. 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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2021-03812 in Executive Session on 16 Nov 23:

- 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 6 Nov 21.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 10 Feb 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 21 Apr 23.
- Exhibit E: Advisory Opinion, AFPC/DP3AM, dated 31 May 23.
- Exhibit F: Notification of Advisory, SAF/MRBC to Applicant, dated 31 May 23.
- Exhibit G: Applicant's Response, dated 30 Jun 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.

12/1/2023

X *Work-Product*

Board Operations Manager, AFBCMR
Signed by: *Work-Product*