

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-01142

XXXXXXXXXXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

### APPLICANT'S REQUEST

Amend his DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, to reflect service in the Republic of Vietnam and Taiwan.

### APPLICANT'S CONTENTIONS

He needs Foreign Service reflected on his DD Form 214 to be eligible for medical benefits with the Department of Veterans Affairs. In support of his request, he provided a copy of an AF Form 7, *Airman Military Record*, reflecting service in Japan and the Philippine Isle.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is an honorably discharged airman first class (E-4), who served in the Regular Air Force from 13 Jan 60 to 18 Oct 63.

On 18 Oct 63, according to DD Form 214, the applicant was released from active duty and credited with 3 years, 9 months, and 6 days of active service and 1 year, 7 months, and 16 days of Foreign Service.

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

### 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 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.

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. They were able to confirm Foreign Service in Japan and the Republic of the Philippines; however, the applicant's military personnel records and the documentation provided did not contain information that reflects service in the Republic of Vietnam or Taiwan.

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 8 Jul 22, for comment (Exhibit D), and the applicant replied on 11 Aug 22. In his response, the applicant contended that in 1961 he served 60 days at Tan Son Nhut Air Base, Republic of Vietnam and 60 days at Ching Chuan Kang Air Base, Taiwan.

The applicant's complete response is at Exhibit E.

## **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 requested his Foreign Service in the Republic of Vietnam and Taiwan be added to his DD Form 214; however, as noted above, Foreign Service locations are not an authorized entry on the DD Form 214. Foreign Service is annotated in increments of years, months, and days; therefore, it appears the 1 year, 7 months, and 17 days of Foreign Service annotated on the applicant's DD Form 214 is correct. Nonetheless, the applicant claims in 1961 he served 60 days at Tan Son Nhut Air Base, Republic of Vietnam and 60 days at Ching Chuan Kang Air Base, Taiwan. However, the applicant did not provide any evidence, nor is there evidence in the applicant's military personnel record of this service. Should the applicant provide documentation noted in AFI 36-2110 above, such as a combination of travel vouchers, PCS orders, decoration citations, enlisted performance reports and records review Report on Individual Personnel to validate his TDY, AFPC/DP3AM may be able to administratively correct his record by issuing him a Boots-on-Ground letter as proof he served in those locations. The Board also notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by 10 U.S.C. §1552, and Department of the Air Force Instruction (DAFI) 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.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

## 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 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-2022-01142 in Executive Session on 2 Feb 23:

, Chair, AFBCMR  
, 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 31 Mar 22.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory Opinion, AFPC/DP3AM, dated 7 Jul 22.  
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 8 Jul 22.  
Exhibit E: Applicant's Response, dated 11 Aug 22.

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.

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Board Operations Manager, AFBCMR