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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01250

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COUNSEL: NONE

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

Award of the Vietnam Service Medal.

### APPLICANT'S CONTENTIONS

He participated in Operation FREQUENT WIND on 29 Apr 75 during an aerial reconnaissance mission departing [AFB] and recovering at [AFB]. He no longer has copies of his AF Form 5, *Individual Flight Record*, to validate this but he remembers the mission vividly as the relief aircraft was delayed and the flight was extended and included a second aerial refueling with the total flight time exceeding 23 hours.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a retired Air Force technical sergeant (E-6).

On 19 Jan 75, according to DD Form 214-3, *Report of Separation from Active Duty*, the applicant separated from the Regular Air Force. He was credited with 1 year, 11 months and 22 days of foreign and/or sea service. He was awarded the Air Force Good Conduct Medal, Air Medal with 1 Oak Leaf Cluster and the National Defense Service Medal.

On 30 Sep 91, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant separated from the Regular Air Force. He was credited with 9 years, 10 months, and 28 days of foreign service. He was awarded the Meritorious Service Medal, Air Medal with 1 Silver and 1 Bronze Oak Leaf Cluster, Air Force Commendation Medal, Air Force Outstanding Unit Award with Valor and 3 Oak Leaf Clusters, Air Force Organizational Excellence Award with 1 Oak Leaf Cluster, Combat Readiness Medal, Air Force Good Conduct Medal with 1 Silver Oak Leaf cluster, National Defense Service Medal with one Bronze Service Star, Armed Forces Expeditionary Medal (Korea), Humanitarian Service Medal, Air Force Overseas Short Tour Ribbon, Air Force Overseas Long Tour Ribbon with 2 Oak Leaf Clusters, Air Force Longevity Service Award with 4 Oak Leaf Clusters, Noncommissioned Officer Professional Military Education Ribbon, Air Force Training Ribbon, Senior Aircrew Member Badge.

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

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## APPLICABLE AUTHORITY

Executive Order 10977, *Establishing the Armed Forces Expeditionary Medal*, dated 4 Dec 61; DoDM 1348.33, Volume 2, *Manual of Military Decorations and Awards: DoD Service Awards-Campaign, Expeditionary, and Service Medals*; Department of the Air Force Manual (DAFMAN) 36-2806, *Military Awards: Criteria and Procedures*.

The Armed Forces Expeditionary Medal is awarded to members of the U.S. Armed Forces who, after 1 Jul 58, participated in U.S. military operations, U.S. operations in direct support of the United Nations, or U.S. operations of assistance for friendly foreign nations. The Joint Chiefs of Staff designates operations that qualify for the Armed Forces Expeditionary Medal, specifies the degree of participation required, and defines the area of operations.

To be eligible, Service members must be bona fide members of a unit participating in or be engaged in the direct support of the operation for 30 consecutive days in the area of operations (or for the full period when an operation is less than 30 days duration), or for 60 nonconsecutive days provided the support involved entering the area of operations or met one or more of the following criteria: Be engaged in actual combat, or duty which is equally as hazardous as combat duty, during the operation with armed opposition, regardless of time in the area; Is wounded or injured and requires medical evacuation from the area of eligibility while participating in the operation, regardless of time; Accumulate 15 days service (consecutive/nonconsecutive) while participating as a regularly assigned crewmember of an aircraft flying sorties into, out of, within, or over the area in direct support of the military operation. One day's service is credited for the first sortie flown on any day. Additional sorties flown on the same day receive no further credit.

Prior to 1 Dec 95, members on aircrew status were only required to fly over or into the area of eligibility for one day during the conflict to qualify for the medal. Operation FREQUENT WIND during the period 29 and 30 Apr 75 is a qualifying operation for the Armed Forces Expeditionary Medal. Service members who earned the Armed Forces Expeditionary Medal for Operation FREQUENT WIND between 29 and 30 Apr 75 may elect to receive the Vietnam Service Medal instead of the Armed Forces Expeditionary Medal pursuant to Public Law 107-314, Section 542. No service member may be issued both medals for service in Vietnam.

## AIR FORCE EVALUATION

AFPC/DP3SP (Recognitions Programs) recommends denying the application. After a thorough review of the applicant's official military personnel record and provided documentation, award of the Vietnam Service Medal is unable to be verified. In Accordance With (IAW) DAFMAN 36-2806, dated 27 Oct 22, A15.13. Vietnam Service Medal. 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. A15.13.1. To qualify for award of the Vietnam Service Medal a member must meet one of the following qualifications (T-0): (1). Be attached to or regularly serve for 1 or more days with an organization participating in or directly supporting military operations. (2). Be attached to or regularly serve for 1 or more days aboard a naval vessel directly supporting military operations. (3). Actually, participate as a crewmember in one or more aerial flights into airspace above Vietnam and contiguous waters directly supporting military operations. (4). 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 was assigned to [AFB]; however, there is no documentation located or provided to verify temporary duty to the area of responsibility for award of the Vietnam Service Medal. Based on

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.

The complete advisory opinion is at Exhibit C.

AFPC/DP3AM (Assignment Policy) recommends denying the application. The applicant's Master Personnel Record does not contain any documentation that supports service in the Republic of Vietnam.

The complete advisory opinion is at Exhibit D.

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

The Board sent a copy of the advisory opinion to the applicant on 12 Jun 23 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 Board concurs with the rationale and recommendation of AFPC/DP3SP and AFPC/DP3AM and finds a preponderance of the evidence does not substantiate the applicant's contentions. The applicant's Master Personnel Record does not contain, and he did not provide, any documentation that supports service in the Republic of Vietnam. Should the applicant provide such documentation, the Board will reconsider his request. 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 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 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.

## **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-2022-01250 in Executive Session on 6 Mar 24:

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Panel Chair

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Panel Member

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Panel Member

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All members voted against correcting the record. The panel considered the following:

Exhibit A: Application, DD Form 149, dated 29 Mar 22.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 9 Mar 23.

Exhibit D: Advisory Opinion, AFPC/DP3AM, dated 7 Jun 23.

Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 12 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.

3/14/2024

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