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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01419

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COUNSEL: NONE

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HEARING REQUESTED: NO

### APPLICANT'S REQUEST

The deceased service member's DD Form 214, *Armed Forces Report of Transfer or Discharge*, dated 14 Jun 69, be corrected to reflect the following awards:

- a. National Defense Service Medal (**will be administratively corrected**).
- b. Vietnam Service Medal.
- c. Republic of Vietnam Campaign Medal.
- d. Small Arms Expert Marksmanship Ribbon.
- e. Combat Action Ribbon.

### APPLICANT'S CONTENTIONS

In the spring of 1966, while assigned to the Targets and Missiles Branch, with experience in Electronics Instrumentation and Weapons and Munitions, at the Air Force Armament Laboratory, the deceased service member was chosen to participate in a classified mission, code name "-----". The overseas mission was to build 10 mines to destroy an earthen bridge in North Vietnam. The deceased service member's contribution included the oversight of the construction and fusing of the weapons. The task force departed Eglin AFB for a 5-day flight to Da Nang AB, Republic of Vietnam and the first attack took place on Memorial Day, 1966.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is the widow of a deceased retired Air Force master sergeant (E-7).

According to the deceased service member's DD Form 214s, dated 14 Jun 59, 14 Jun 65, 14 Jun 69, 14 Jun 75, and 30 Jun 76, he was on continuous active duty from 15 Jun 55 – 30 Jun 76. Item 24, *Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized*, reflects: Air Force Good Conduct Medal with three Oak Leaf Clusters, Air Force

**AFBCMR Docket Number BC-2022-01419**

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

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Longevity Service Award with four Bronze Oak Leaf Clusters, Air Force Commendation Medal with one Oak Leaf Cluster, and the Air Force Outstanding Unit Award.

The deceased service member's performance report for the period of 6 Oct 65 – 15 Mar 66, dated 21 Mar 66, Section VII, *Comments of Reporting Official*, contains the following: "<service member> was a key member of a special team that had responsibility for the design, production, and evaluation of equipment under "-----," a high priority Southeast Asia project."

The deceased service member's performance report for the period of 16 Mar 66 – 15 Mar 67, dated 23 Mar 67, Section VII, *Comments of Reporting Official*, contains the following: "<service member> demonstrated outstanding technical and supervisory capabilities while assigned as Laboratory representative to a Southeast Asia high priority multi-million-dollar project "----- --." His responsibilities included usage proficiency training of the flight crews, and technical field support of the equipment in Southeast Asia."

According to the deceased service member's AF Form 7, *Airman Military Record*, Section 2, *Foreign Service Summary*, reflects "TDY" for the period of 15 May 66 – 8 Jun 66.

On 14 Jun 69, according to DD Form 214, dated 14 Jun 69, for the period of service of 15 Jun 65 - 14 Jun 69, the deceased service member was credited with four years of net service this period and no Foreign and/or Sea Service credit.

On 30 Jun 76, according to DD Form 214, the deceased service member was honorably retired and credited with 21 years and 6 days of total active service with no Foreign and/or Sea Service this period.

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

## AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the award of the Vietnam Service Medal, the Republic of Vietnam Campaign Medal, the Small Arms Expert Marksmanship Ribbon, and the Combat Action Medal. According to Department of the Air Force Manual (DAFMAN) 36-2806, *Military Awards: Criteria and Procedures*, the Republic of Vietnam Campaign Medal is awarded to members of the United States Armed Forces who, between 1 Mar 61 and 28 Mar 73, served for 6 months in South Vietnam, or served outside the geographical limits of South Vietnam and contributed direct combat support to the Republic of Vietnam Armed Forces for an aggregate of 6 months. Only members of the United States Armed Forces who meet the criteria established for the Armed Forces Expeditionary Medal 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; or did not complete the length of service required, 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 or released, killed in action or in the line of duty; or were assigned in Vietnam on 28 Jan 73, and served in Vietnam for the entire period between 29 Jan 73 to 28 Mar 73.

Additionally, according to DAFMAN 36-2806, the Vietnam Service Medal is awarded to any member of the U.S. Armed Forces who, on or after 4 Jul 65 through 28 Mar 73 served for one or more days with an organization participating in or directly supporting military operations in Vietnam, contiguous waters, or air space, including service in Thailand, Laos, Cambodia, or their air space or served 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.

Furthermore, according to DAFMAN 36-2806 and AFI 36-2654, *Combat Arms Program*, the Small Arms Expert Marksmanship Ribbon is awarded to Regular Air Force, Air National Guard and Air Force Reserve members who after 1 Jan 63, qualify as "Expert" with either the M-16 rifle (to include the M-4 and GAU-5) or an issued handgun on the Air Force qualification course. AF Form 522, *Ground Weapons Training Data and USAF Firearms Qualification*, or a letter from the small arms marksmanship monitor is used as the source documentation for this award.

Finally, according to DAFMAN 36-2806, the Combat Action Medal (CAM) was established on 15 Mar 07 by SecAF, to recognize members of DAF (grades E-1 through O-6) who actively participated in ground or air combat. On 16 Nov 20, SecAF approved the renaming of the Air Force Combat Action Medal to the Combat Action Medal. Eligibility for nomination for the CAM is restricted to members of the U.S. Armed Forces who on or after 11 Sep 01: deliberately go into the enemy's domain (outside the wire) to conduct official duties, either on the ground or in the air, and have come under enemy fire by lethal weapons while performing those duties, and are at risk of grave danger; or while defending the base (inside/on the wire), member came under fire and engage the enemy with direct and lethal fire, and are at the risk of grave danger; or are personnel in ground operations who actively engage the enemy with direct and lethal fire also may qualify even if no direct fire is taken, as long as there was risk of grave danger and meets other criteria.

After a thorough review of the applicant's submission and the deceased service member's official military record, there is no evidence of an error or injustice. To grant relief would be contrary to the criteria established in DAFMAN 36-2806.

Notwithstanding the above, they were able to verify the award of the National Defense Service Medal and the deceased service member's record will be administratively corrected.

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 11 Oct 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 deceased service member is not the victim of an error or injustice. The applicant believes the deceased service member qualifies for award of the Vietnam Service Medal and the Republic of Vietnam Campaign Medal based on his participation in a classified mission, code name "-----." However, the applicant failed to provide sufficient evidence, such as a Special Order, travel voucher, or signed evaluation report to show the deceased service member actually served within the named geographical limits and for the specified period of time, as defined by AFMAN 36-2806, in order to meet the eligibility criteria to be awarded the Vietnam Service Medal or the Republic of Vietnam Campaign Medal. The applicant further believes that the deceased service member qualifies for the award of the Small

Arms Expert Marksmanship Ribbon; however, the Board notes that he has failed to provide any evidence that the deceased service member qualifies for the award, such as an AF Form 522, *Ground Weapons Training Data* and USAF Firearms Qualification, or a letter from the small arms marksmanship monitor. Additionally, the applicant believes the deceased service member qualifies for the award of the Combat Action Medal; however, the Board notes the deceased service member's active service predates the award authorization period for the Combat Action 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. Therefore, except for the administrative correction that will be made to the deceased service member's record, the board recommends against correcting the deceased service member's records. 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 (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 and finds the application untimely.

## 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-2022-01419 in Executive Session on 14 May 24:

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 14 Apr 22.

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

Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 14 Sep 23.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 11 Oct 23.

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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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**AFBCMR Docket Number BC-2022-01419**

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