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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01526

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His military personnel record be corrected to reflect award of:

1. Vietnam Service Medal (VSM).
2. Republic of Vietnam Campaign Medal (RVCM).

APPLICANT'S CONTENTIONS

His record should be corrected to accurately reflect award of the VSM and RVCM for his service in Thailand. He was assigned to the Work-... Air Rescue Squadron (ARS) at Work-P... Air Base in Work-Product and was part of an advanced party sent to Work-Product Thai Air Base to support rescue and recovery operations for four months. For his service in Thailand, he was awarded the Armed Forces Expeditionary Medal (AFEM), which is on his DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an honorably discharged Air Force airman first class (E-4).

On 4 Apr 61, according to the applicant's DD Form 214, he entered the Regular Air Force.

According to AF Form 7, *Airman Military Record*, Block 2, *Foreign Service*, the applicant departed for Work-Product on 17 Jun 63.

According to AF Form 7, Block 19, *Chronological Listing of Service*, the applicant's estimated date of arrival at the 33rd ARS, Work-P... AB, Work-Product was 26 Jul 63.

According to AF Form 7, Block 10, *Awards*, the applicant received the AFEM.

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According to the applicant's AF Form 75, *Airman Performance Report*, for the period 4 Apr 63 - 3 Apr 64, he was stationed at [REDACTED] AB in [REDACTED].

On 4 Dec 64, according to the applicant's DD Form 214, he was released from active duty, with an honorable service characterization. Block 26, *Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized*, reflects the: Air Force Good Conduct Medal and AFEM.

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

AIR FORCE EVALUATIONS

AFPC/DP3SP recommends denying the applicant's request for award of the VSM and RVCN as the documentation provided does not indicate the applicant meets the criteria for award. According to Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*, 10 Jun 19, paragraph A15.2, 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. To qualify for award of the VSM, a member must meet one of the following qualifications: (1) Be attached to or regularly serve for one 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.

Per paragraph A12.9.5, on 7 Feb 66, the Secretary of Defense approved acceptance and wear of the RVCN, which is awarded to members of the U.S. Armed Forces who between 1 Mar 61 and 28 Mar 73: (1) Served for 6 months in South Vietnam during the above date; or (2) 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 AFEM (Vietnam) or the VSM during the period of service required are considered to have contributed direct combat support to the Republic of Vietnam Armed Forces.

AFPC/DP3SP recommends denying the applicant's request for award of the VSM and RVCN. After a thorough review of the applicant's official military personnel record and provided documentation, service in Vietnam, contiguous waters, or air space, including service in Thailand, Laos, Cambodia could not be verified.

AFPC/DP3AM recommends denying the applicant's request for Foreign Service credit for Thailand. The Master Personnel Record does not contain any documentation that supports his service in Thailand.

The complete advisory opinions are at Exhibits C and D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinions to the applicant's counsel on 25 Aug 23 for comment (Exhibit E) 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 recommendations of AFPC/DP3SP and AFPC/DP3AM, and finds a preponderance of the evidence does not substantiate the applicant's contentions. Specifically, neither the applicant's official military record nor the documentation he submitted showed he was physically present in Thailand and met the requirements for award of the VSM and/or RVC. Therefore, the board recommends against correcting the applicant'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 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-2022-01526 in Executive Session on 11 Jun 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 25 Apr 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 3 May 23.
- Exhibit D: Advisory Opinion, AFPC/DP3AM, dated 24 Aug 23.

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Exhibit E: Notification of Advisory, SAF/MRBC to Counsel, dated 25 Aug 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.

7/29/2024

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