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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01628

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, be corrected to reflect the following:

- a. Foreign service time in the Republic of Vietnam.
- b. Item 30 (Remarks), "INDOCHINA-YES" and "VIETNAM-YES."

APPLICANT'S CONTENTIONS

He is currently considered 100 percent disabled through the Department of Veterans Affairs with an effective date of 7 November 2020, due to Agent Orange exposure.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force sergeant (E-4).

On 3 April 1969, according to DD Form 4, *Enlistment Contract – Armed Forces of the United States*, the applicant enlisted in the Regular Air Force for a period of four years in the grade of airman basic.

AF Form 910, *TSGT, SSGT, SGT Performance Report*, rendered for the period 20 November 1971 thru 19 November 1972, Section VII (Initial Indorsing Official), reflects "He has contributed greatly to the success of the 3rd TFW's mission both in Korea and Southeast Asia."

On 12 February 1973, the applicant was honorably released from active duty in the rank of sergeant and transferred to the Air Force Reserve. He served 3 years, 10 months and 10 days of active service and was credited with 1 year and 10 days of Foreign and/or SEA Service. Item 30 (Remarks) reflects Indochina – No and Vietnam – No.

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

APPLICABLE AUTHORITY

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

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

POC: SAF.MRBC.Workflow@us.af.mil

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.

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.

INDOCHINA

Air Force Manual 35-5, *Separation Documents and General Separation Procedures*, dated 18 June 1971. Permanent Change of Station assignments to Indochina, Vietnam, or Korea, on or after 5 August 1964, are recorded on the DD Form 214 as Yes or No.

AIR FORCE EVALUATION

AFPC/DP3AM recommends denying the application. After reviewing the information provided and Master Personnel Records AFPC/DP3AM was unable to verify any foreign service in Indochina. They were able to verify and confirm foreign service in the Republic of Korea, from 2 February 1972 to 2 March 1973, but unable to verify any foreign service in the Republic of Vietnam.

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 1 September 2022 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/DP3AM and finds a preponderance of the evidence does not substantiate the applicant's contentions. 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 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. The Board notes that foreign service time in Indochina

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and Vietnam could not be verified. 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 Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2022-01628 in Executive Session on 11 April 2023:

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 26 May 2022.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3AM, dated 30 August 2022.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 1 September 2022.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.

7/1/2025

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Board Operations Manager, AFBCMR
Signed by: USAF

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