

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-01900

XXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

Correct his DD Form 214, *Report of Separation from Active Duty*, to reflect foreign service time in Vietnam.

### APPLICANT'S CONTENTIONS

He served in Vietnam in 1972 as part of a group of aircraft mechanics temporarily assigned from Hickam Air Force Base, Hawaii (XXXX), to Bien Hoa Air Base. He spent four months in country and there is no reflection of his time served in his records, for example his DD Form 214. He has requested copies of his pay stubs but was told all pay records were destroyed in a fire. His time in service is from Nov 70 – Nov 74. He is getting older and has health concerns now, possible Agent Orange exposure while in Vietnam.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is an honorably discharged Air Force sergeant (E-4).

According to AF Form 910, *TSgt, SSgt and Sgt Performance Report*, the applicant was assigned to the XXXX, Udorn, Royal Thailand Air Force Base, Thailand from 16 Dec 73 – 12 Jun 74.

On 11 Nov 74, the applicant was furnished an honorable discharge and credited with 4 years active service, of which 11 months, 22 days was foreign and/or sea service.

On 1 Mar 73, according to AFPC/DP3AM (Directorate of Assignments) memorandum, the applicant's foreign service time reflected on his DD Form 214 is correct and the memorandum was issued to confirm boots-on-ground in Thailand.

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

### AIR FORCE EVALUATION

AFPC/DP3AM (Directorate of Assignments) recommends denying the application. Documentation provided and the applicant's Master Personnel Record did not contain any information that he served in the Republic of Vietnam.

Foreign service boots-on-ground was confirmed for Thailand; however, they could not 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 2 Mar 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/DP3AM and finds a preponderance of the evidence does not substantiate the applicant’s contentions. Foreign service in the Republic of Vietnam could not be verified using the documentation provided and the applicant’s Master Personnel Record. 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)*. 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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2022-01900 in Executive Session on 19 Oct 23:

- , Panel Chair
- , Panel Member
- , Panel Member

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

- Exhibit A: Application, DD Form 149, dated 17 Jun 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 1 Mar 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 2 Mar 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.

**X**

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Board Operations Manager, AFBCMR