



Work-Product

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2022-02018

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT’S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, Block 13, *Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized*, be corrected to reflect award of the following:

- 1. Vietnam Service Medal (VSM).
- 2. Republic of Vietnam Gallantry Cross Unit Citation with Palm.

APPLICANT’S CONTENTIONS

He was a crew member on an RC 135 Frequent Wind mission supporting the evacuation of Work-Product and the evacuation of the Work-Product on 30 Apr 75. This mission qualifies him for those awards; however, neither award is listed on his DD Form 214.

The applicant’s complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force master sergeant (E-7).

On 30 Sep 91, according to the applicant’s DD Form 214, he was credited with 5 years, 2 months and 19 days of Foreign Service.

For more information, see the excerpt of the applicant’s record at Exhibit B.

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the application. Based on the 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 and the Republic of Vietnam Gallantry Cross with Palm.

Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*, section A15.2, states 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.

AFMAN 36-2806, section A12.10.4, states the Republic of Vietnam Gallantry Cross Unit Citation with Palm was awarded by the Republic of Vietnam to certain units of the U.S. Armed Forces for valorous combat achievement during the Vietnam Conflict, inclusive from 1 Mar 61 to 28 Mar 73.

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 20 Apr 23 for comment (Exhibit D), and the applicant replied on the same date. In his response, the applicant again contends he flew many "Burning Wind" missions during the early months of 1975, and he also flew one "Frequent Wind" mission supporting the fall and evacuation of Saigon on 30 Apr 75 and he has flight records to prove it.

The applicant's complete response is at Exhibit E.

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 finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board notes the applicant's contention he flew in missions over Saigon in 1975; however, in order to qualify for the Vietnam Service Medal and the Republic of Vietnam Gallantry Cross with Palm, he had to have served in the area of operation between 4 Jul 65 through 28 Mar 73 to qualify for the Vietnam Service Medal and between 1 Mar 61 to 28 Mar 73 to qualify for the Republic of Vietnam Gallantry Cross with Palm. 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)*. 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-2022-02018 in Executive Session on 9 Jan 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 28 Jun 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 16 Mar 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 20 Apr 23.
- Exhibit E: Applicant’s Response, w/atchs, dated 20 Apr 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.

12/12/2024

Work-Product

Board Operations Manager, AFBCMR
Signed by: Work-Product