



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2022-02341

COUNSEL: Work-Product

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Armed Forces Report of Transfer or Discharge*, dated 6 Nov 70, be corrected to reflect he was awarded the Vietnam Service Medal (VSM).

APPLICANT'S CONTENTIONS

He should be awarded the VSM for his service "in direct support of military operations in Vietnam" while assigned to the 4133rd Bombardment Wing at Work-Product, during the period of 10 Apr 66 – 24 Aug 66. He humbly served for 10 years and is proud to be called a veteran.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

His DD Form 214's, dated 11 Sep 64 and 6 Nov 70, and subsequent DD Forms 215, *Correction to DD Form 214, Certificate of Release or Discharge from Active Duty*, dated 8 Feb 05, 29 Mar 05, 2 Jun 05 and 29 Jun 05, reflect he was on continuous active duty from 12 Sep 60 – 6 Nov 70. In addition, *Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized*, reflects: Air Force Good Conduct Medal with 3 Oak Leaf Clusters, Air Force Longevity Service Award with 1 Oak Leaf Cluster, Air Force Outstanding Unit Award, National Defense Service Medal, Korea Defense Service Medal, and the Small Arms Expert Marksmanship Ribbon.

According to Special Order Work-Product dated 1 Apr 66, the applicant, while a member of the 484 Supply Squadron, was ordered to proceed on temporary duty (TDY) on or about 7 Apr 66 from Work-Product to 4133 Bomb Wing (Prov), Work-Product, for approximately 179 days. AF Form 7, *Airman Military Record*, Section 2, *Foreign Service*, reflects he departed on 8 Apr 66 for TDY of 172 days. Additionally, on 24 Aug 66, his AF Form 910, *TSgt, SSgt, and A1C Performance Report*, for the reporting period of 10 Apr 66 – 24 Aug 66, reflects temporary duty at Work-Product.

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

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

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

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the award of the Vietnam Service. The applicant's AF Form 910, for the period of 10 Apr 66 – 24 Aug 66, reflects his assigned duty station was 484 Supply Squadron (SAC), [Work-Product] W/Dy 4133 BWg (PROV) APO [Work-Product] which renders him ineligible for the award of the VSM. According to Department of the Air Force Manual (DAFMAN) 36-2806, *Military Awards, Criteria and Procedures*, 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 [Work-Product] [Work-Product], 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.

After a thorough review of the applicant's submission and the service member's official military record to possibly provide administrative relief, the award of the VSM is unable to be verified. To grant relief would be contrary to the criteria established in DAFMAN 36-2806.

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 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 applicant believes he qualifies for the award of the Vietnam Service Medal for the period of 10 Apr 66 – 24 Aug 66 due to his temporary duty assignment to 484 Supply Squadron, [Work-Product] during that period. However, the Board disagrees. The applicant's temporary duty to the 484 Supply Squadron fails to meet the award criteria as outlined in DAFMAN 326-2806. According to DAFMAN 36-2806, in order to be eligible to be awarded the VSM, the applicant needed to have served with an organization participating in, or directly supporting military operations within the awards designated area of operations. 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-2022-02341 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 5 Aug 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, dated 15 Sep 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 28 Sep 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.

7/26/2024

X Work-Product

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Board Operations Manager, AFBCMR

Signed by: Work-Product