
RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02356

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, issued in conjunction with his 19 May 72, discharge be corrected to reflect Foreign Service time for his deployments to Vietnam and Thailand.

APPLICANT'S CONTENTIONS

He received combat pay and was deployed to the Philippines for three days, Vietnam for three days, and Thailand for six months. He is unable to get service as a Vietnam veteran from the Department of Veterans Affairs (DVA) hospital because it is not reflected on his DD Form 214. He did not discover the error until 1 Jan 19 and was told by the DVA hospital he is not considered a Vietnam veteran.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

According to AF Form 626, *Request and Authorization for Temporary Duty – Military*, provided by the applicant, he was selected for an operational deployment to various bases throughout Thailand and the Republic of Vietnam effective on or about 8 Oct 71 for approximately 179 days.

According to Standard Forms 600, *Chronological Record of Medical Care*, the applicant was treated at the Udon AB, Thailand, hospital on multiple occasions between Nov 71 and Mar 72.

According to DD Form 214, the applicant served in the Regular Air Force from 20 May 68 to 19 May 72 and was credited with four years total active service and no Foreign Service time.

On 25 Oct 22, AFPC/DP3AM provided the applicant with a Boots on Ground letter confirming Foreign Service time in Thailand but they were unable to determine the inclusive dates of service and therefore unable to correct the amount of Foreign Service time reflected on his DD Form 214. AFPC/DP3AM also indicated specific locations are not annotated on the DD Form 214.

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

APPLICABLE AUTHORITY/GUIDANCE

AFBCMR Docket Number BC-2022-02356

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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 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.

AIR FORCE EVALUATION

AFPC/DP3AM recommends denying the application. While AFPC/DP3AM was able to verify and confirm Foreign Service time in Thailand, Foreign Service in the Republic of Vietnam or the Republic of the Philippines could not be verified.

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 25 Oct 22 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. While the applicant's records reflect he served in Thailand for an unspecified number of days, there is insufficient evidence to conclude he served in the Republic of Vietnam or the Republic of Philippines. The Board notes the deployment orders provided by the applicant; however, they do not confirm the specific locations the applicant actually served in. If the applicant were to provide further evidence to support his time in Vietnam, the Board would reconsider his request. 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. 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 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-2022-02356 in Executive Session on 26 Jul 23:

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, Panel Chair
Panel Member
Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 25 Jul 22.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, AFPC/DP3AM, dated 25 Oct 22.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 25 Oct 22.

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.

2/6/2024

X

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Board Operations Manager, AFBCMR

Signed by:

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