

## RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-01380

XXXXXXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: YES

### APPLICANT'S REQUEST

His Foreign Service time in [Work-Product] be reflected on his DD Form 214, *Report of Separation from Active Duty*.

### APPLICANT'S CONTENTIONS

He needs to prove that he was stationed at [Work-Product], Royal [Work-Product] Air Force Base, [Work-Product] in order to proceed with his compensation claim from the Department of Veterans Affairs.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

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

On 2 March 1977, according to the applicant's DD Form 214, he was discharged from the Regular Air Force. Block 18f, *Foreign and/or Sea Service this Period*, reflects one year, eight months and three days of Foreign Service. Block 19, *Indochina or Korea Service Since August 5, 1964*, reflects 180 days.

The applicant provides a VA Form 21-4138, *Statement in Support of Claim*, dated 30 November 2022, from TSgt N-----, which states "he was stationed in [Work-Product] from 1974 – 1976. I know <applicant> from our hometown. We were at [Work-Prod...] when the Queen visited the base BX (Exchange)."

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

### APPLICABLE AUTHORITY/GUIDANCE

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.

### AIR FORCE EVALUATION

AFPC/DP3AM recommends denying the application. The information provided and the applicant's Master Personnel Records do not reflect any Foreign Service time in [Work-Product].

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 6 Nov 23 for comment (Exhibit D) but has received no response.

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/DP3AM and finds a preponderance of the evidence does not substantiate the applicant's contentions. 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)*. 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 and finds the application untimely.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

### **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-2023-01380 in Executive Session on 14 May 24:

, 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 28 Mar 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3AM dated 1 Nov 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 6 Nov 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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MICHELLE Y. GRIFFIN  
Board Operations Manager, AFBCMR