RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2008-04076

 INDEX CODE: 107.00

 XXXXXXXXXXXX COUNSEL: NONE

 HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, be corrected to reflect entitlement to the Vietnam Service Medal (VSM), Republic of Vietnam Campaign Medal (RVCM), and any other awards he is entitled to.

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APPLICANT CONTENDS THAT:

He was never informed that he could be eligible for certain awards.

In support of his appeal, the applicant provides copies of his DD Form 214; a *Certification for Special Pay for Hazardous Duty and Income Tax Exemption* document, dated 22 October 1968; a *Medical Recommendation for Flying Duty* document, dated 9 July 1968; an AF Form 1274, *Physiological Training* document, dated 14 August 1968; Headquarters (HQ) 99th Bombardment Wing (BW) Aeronautical Order (AO) Number 38, dated 2 September 1968 and designating him as a non-crew member for the period 1-15 October 1968; HQ 99th BW AO-50, dated 26 October 1968 and designating him as a non-crew member for the period 1-15 December 1968; two AFTO Forms 781, *Aircraft Flight Data Record;* a personal statement; his Enlisted Performance Reports for the periods 30 March 1967 through 1 March 1968, 2 October 1968 through 3 December 1968, and 4 December 1968 through 14 July 1969; and OPERATION ARC LIGHT award certificates.

Applicant’s complete submission, with attachments, is at Exhibit A.

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STATEMENT OF FACTS:

The applicant entered the Regular Air Force on 30 March 1966 and served as an aircraft maintenance specialist until his honorable release from active duty in the grade of staff sergeant (SSgt – E-5) on 29 April 1970. His master personnel records indicate he deployed to Guam during his active duty service and that he served in Thailand from 14 October 1967 to 26 March 1968. Item 22c of his DD Form 214 reflects he was credited with one year and nine days of foreign and/or Southeast Asia (SEA) service and that he is entitled to the National Defense Service Medal (NDSM).

AFPC/DPSIDR has been able to verify the applicant’s additional entitlement to the Air Force Outstanding Unit Award with one Oak Leaf Cluster (AFOUA w/1 OLC), Air Force Good Conduct Medal (AFGCM), VSM, Air Force Longevity Service Award (AFLSA), and the Republic of Vietnam Gallantry Cross with Palm (RVGC w/P), and has taken action to ensure his records are corrected to reflect these entitlements.

The RVCM is awarded to members of the Armed Forces of the U.S. who served for six months in South Vietnam during the period 1 March 1961 to 28 March 1973, or who served outside the geographical limits of South Vietnam and contributed direct combat support to the RVN Armed Forces for an aggregate of six months. Only members of the U.S. Armed Forces who meet the criteria established for the VSM or the Air Force Expeditionary Medal (Vietnam) during the period of service required are considered to have contributed direct combat support to the RVN Armed Forces. It may be awarded to those members who did not complete the required length of service but who, during wartime, were wounded by the enemy in a military action, captured by the enemy during action or in the line of duty, but later released or rescued, or killed in action or in the line of duty. It may also be awarded to those members who were assigned in Vietnam on 28 January 1973, and who served a minimum of 60 calendar days in Vietnam during the period 29 January 1973 to 28 March 1973.

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AIR FORCE EVALUATION:

AFPC/DPSIDR recommends denial of the requested relief for award of the RVCM. The applicant’s records verified he served in Thailand for a total of 5 months and 12 days; therefore, he did not serve for the required minimum of six months in the area of responsibility to be eligible for award of the RVCM.

The AFPC/DPSIDR evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A complete copy of the evaluation was forwarded to the applicant on 10 July 2009, for review and comment, within 30 days. Although the evaluation was essentially correct, it was incomplete as it only referenced and included his first deployment. He performed a second deployment, totaling 179 days, from September 1968 through February 1969 while he was assigned to the 99th BW with duty at the 4133rd BW at Anderson AFB, Guam, where he was a crew chief on a B-52 aircraft and was mandated to frequently and regularly participate in aerial flights, which included combat missions over Vietnam in OPERATION ARC LIGHT.

The applicant’s complete response, with additional documentation, is at Exhibit E.

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THE BOARD CONCLUDES THAT:

1.  The applicant has exhausted all remedies provided by existing law or regulations.

2.  The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.

3.  Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice to warrant awarding the applicant the RVCM. We note that AFPC has taken action to have the applicant’s DD Form 214 corrected to reflect award of AFOUA w/1 OLC, AFGCM, VSM, AFLSA, and the RVGC w/P; therefore, the only remaining issue before this Board is his request for entitlement to the RVCM. Evidence has been presented he served outside the geographical limits of South Vietnam and contributed direct combat support to the RVN for an aggregate of six months; therefore, we recommend his records be corrected to the extent indicated below.

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THE BOARD RECOMMENDSTHAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show the DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, issued in conjunction with his 29 April 1970 release from active duty, be amended in Item 24, Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized, to include the Republic of Vietnam Campaign Medal.

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The following members of the Board considered Docket Number BC-2008-04076 in Executive Session on 17 September 2009, under the provisions of AFI 36-2603:

 Mrs. XXXXXXXXXX, Panel Chair

 Mr. XXXXXXXXXX, Member

 Mr. XXXXXXXXXX, Member

The following documentary evidence was considered in BC-2008-04076:

 Exhibit A. DD Form 149, dated 4 Nov 08, w/atchs.

 Exhibit B. Applicant's Available Master Personnel Records.

 Exhibit C. Letter, AFPC/DPSIDR, dated 12 Jun 09.

 Exhibit D. Letter, SAF/MRBR, dated 10 Jul 09.

 Exhibit E. Letter, Applicant, dated 10 Aug 09, w/atchs.

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 Panel Chair