RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2009-01344

INDEX CODE: 107.00, 113.00

XXXXXXXXXXXXXXXXX COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His records be corrected to show entitlement to the Presidential Unit Citation (PUC) and entitlements for time served in direct support of Vietnam.

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APPLICANT CONTENDS THAT:

He served with the 314th TCW, 314th FMS, 50th TCW, 6200th FMS, and the 405th TCW, and one of more of these units should have been awarded the PUC for Vietnam.

He is trying to join the Veterans of Foreign Wars (VFW) and he believes he should qualify for Vietnam service as the squadrons with which he served while in the Air Force were in direct support of Vietnam and one of them should qualify him for membership in the VFW. He served in Vietnam working as a civilian for two years and would appreciate any help he can get.

In support of his appeal, the applicant provides a copy of a personal statement.

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

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STATEMENT OF FACTS:

The applicant entered the Regular Air Force on 25 May 1964 and served as a jet engine mechanic until his release from active duty on 20 May 1968. His AF Form 7, *Airman Military Record*, reflects that upon completion of Basic Military Training and Air Force Technical Training, he was assigned to the 314th FMS, Seward AFB, TN; the 314th FMS, Ching Chuan Kang AB, Taiwan; and the 6200th FMS, Clark AFB, PI. His DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, reflects that he was credited with two years, five months, and nine days of Foreign and/or Southeast Asia (SEA) service. Both his AF Form 7 and DD Form 214 reflect he is entitled to the Small Arms Expert Marksmanship Ribbon (SAEMR), National Defense Service Medal (NDSM), and Air Force Good Conduct Medal (AFGCM). His application has been partially resolved administratively as AFPC/DPSIDR has verified the applicant’s entitlement to the Air Force Outstanding Unit Award (AFOUA) while assigned to the 6200th FMS and has taken action to correct his records to reflect this entitlement.

Department of Defense Directive 1348-33-M, AP2.1.2.1, states the PUC is awarded in the name of the President of the United States to units of the Armed Forces of the United States, and co-belligerent nations, for extraordinary heroism in action against an armed enemy, occurring on or after 7 December 1941. The unit must have displayed such gallantry, determination, and esprit de corps in accomplishing its mission, under extremely difficult and hazardous conditions, to have set it apart and above other units participating in the same campaign. The degree of heroism required is the same as that which would be required for award of a Distinguished Service Cross to an individual.

The Vietnam Service Medal (VSM) is awarded to all members of the Armed Forces of the U.S. serving at any time between 4 July 1965 and 28 March 1973, in Vietnam, its contiguous waters, or airspace, thereover, or in Thailand, Laos, or Cambodia, or the airspaces, thereover, and in direct support of operations in Vietnam. To be eligible, a member must serve on temporary duty (TDY) for 30 consecutive days or 60 nonconsecutive days, although those time limitations may be waived for personnel who

participate in actual combat operations.

The Republic of Vietnam Campaign Medal (RVNCM) 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 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.

The Republic of Vietnam Gallantry Cross with Palm (RVNGC w/P) is awarded by the Republic of Vietnam to certain units of the U.S. Armed Forces for valorous combat achievement during the Vietnam War, 1 March 1961 to 28 March 1973.

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AIR FORCE EVALUATION:

AFPC/DPSIDR recommends denial of the requested relief for award of the PUC as they are unable to verify the 314th FMS or the 6200th FMS received the PUC during the periods the applicant was assigned to those units.

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. However, as of this date, no response has been received by this office.

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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.  Insufficient relevant evidence has been presented to demonstrate the existence of error or injustice concerning the applicant’s entitlement to the PUC. We note his records were administratively corrected to reflect entitlement to the AFOUA and we took notice of his complete submission in judging the merits of the case; however, we agree with the opinion and recommendation of the Air Force office of primary responsibility and adopt its rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice as concerns his entitlement to the PUC. Additionally, we note the applicant’s records do not indicate and he did not furnish documents to verify he was eligible for award of the VSM or the RVNCM, or that any of the units with which he served were awarded the RVNGC w/P. If the applicant can produce documents to verify he meets the eligibility requirements for award of the VSM or the RVNCM, or that any of the units with which he served were awarded the RVNGC w/P, we would be willing to reconsider his application. Therefore, in the absence of evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application.

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THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of material error or injustice; the application was denied without a personal appearance; and the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

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The following members of the Board considered Docket Number BC-2009-01344 in Executive Session on 1 September 2009, under the provisions of AFI 36-2603:

Mr. XXXXXXXXXX, Panel Chair

Ms. XXXXXXXXXX, Member

Mr. XXXXXXXXXX, Member

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 7 Apr 09, w/atch.

Exhibit B. Applicant's Available Master Personnel Records.

Exhibit C. Letter, AFPC/DPSIDR, dated 22 Jun 09.

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

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Panel Chair