RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2010-01876

XXXXXXX COUNSEL: NONE

HEARING DESIRED: NO

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APPLICANT REQUESTS THAT:

His records be corrected to reflect he was awarded the following awards and decorations:

1.  Armed Forces Expeditionary Medal with two bronze service stars (AFEM w/2BSS).

2.  Vietnam Service Medal (VSM).

3.  Republic of Vietnam Campaign Medal (RVCM).

4.  Republic of Vietnam Gallantry Cross with Palm device (RVGP w/P).

5.  Small Arms Expert Marksmanship Ribbon (SAEMR).

6. Air Force Outstanding Unit Award with Valor (AFOUA w/V) **(to be administratively resolved)**.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APPLICANT CONTENDS THAT:

He was stationed at Nakom Phanom AB, Republic of Thailand. His awards were not updated upon his return to the Continental United States (CONUS) due to an administrative error.

In support of his request, the applicant provides an expanded statement and copies of his DD Form 214, *Report of Separation from Active Duty,* and DD Form 215, *Correction to DD Form 214, Report of Separation from Active Duty.*

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

STATEMENT OF FACTS:

The applicant’s military personnel records indicate he enlisted in the Regular Air Force on 30 Jun 72 in the grade of airman basic (E-1) for a period of four years. He was progressively promoted to the grade of sergeant (E-4), effective and with a date of rank of 1 Sep 74. On 8 May 76, he was honorably discharged at the completion of his required active service and was credited with three years, ten months, and nine days of total active service.

On 23 Jul 10, AFPC/DPSIDR notified the applicant they were able to verify his entitlement to the AFOUA w/V and took action to correct his records administratively.

The remaining relevant facts pertaining to this application are contained in the letter prepared by the appropriate office of the Air Force, which is attached at Exhibit C.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

AIR FORCE EVALUATION:

AFPC/DPSIDR recommends denial, indicating there is no evidence of an error or injustice. The applicant requests entitlement to the AFEM, indicating his unit directly supported Operations EAGLE PULL, FREQUENT WIND, and the MAYAQUEZ Operation. While the AFEM was approved for the noted operations, there is no official documentation provided by the applicant or located within his official military record verifying that he deployed in direct support of these operations. He believes he should be awarded the VSM in lieu of the AFEM for his participation in Operation FREQUENT WIND. While Public Law 107-314 authorizes award of the VSM to eligible Vietnam evacuation veterans, there is no evidence in his record or submission indicating he met the requirements for award of the AFEM for the noted operation. As for his request for the SAEMR, there is no documentation in his present submission or his records to support his claim to the SAEMR. As for the RVGC w/P, his unit received award of the RVGC w/P for the period 8 Apr 67 through 28 Jan 73 according to Air Force Pamphlet 900-2; however, since the applicant was not assigned to the unit until 1974, he is not entitled to the RVGC w/P. Finally, the RVCM is awarded to members of the Armed Forces of the United States who are entitled to the VSM and served for six months in the Republic of Vietnam, or contributed direct combat support from outside the geographic limits of South Vietnam for an aggregate of six months, during the period 1 Mar 61 through 28 Mar 73. Because he is not entitled to the VSM and his service was outside the inclusive period of the award, the applicant is not eligible for the RVCM.

A complete copy of the AFPC/DPSIDR evaluation is at Exhibit C.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant refutes the interpretation of the various policies described in the Air Force evaluation. He argues the Air Force office of primary responsibility (OPR) made a mistake in drawing conclusions that do not apply in his case by taking the ambiguous wording in the directive out of context. He argues that while he did not deploy in support of the noted operations, he provided direct support of those operations from Thailand, and, as such, is entitled to the AFEM for providing such support. The VSM was given to everybody in Vietnam, Thailand, Laos, and Cambodia who participated in, or provided direct support (emphasis added) of combat operations. He was deployed to Thailand during the noted operations and provided direct support to them. In support of his response, the applicant provides two expanded statements and a copy of his DD Form 214 (Exhibits E and F).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 an error or injustice regarding the applicant’s requests for the Armed Forces Expeditionary Medal with two bronze service stars (AFEM w/2BSS), Vietnam Service Medal (VSM), Republic of Vietnam Campaign Medal (RVCM), Republic of Vietnam Gallantry Cross with Palm device (RVGP w/P), or Small Arms Expert Marksmanship Ribbon (SAEMR). We took notice of the applicant's complete submission, including his response to the Air Force evaluation, in judging the merits of the case; however, we agree with the opinion and recommendation of the Air Force office of primary responsibility (OPR) and adopt its rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice. We note the Air Force OPR has determined the applicant’s eligibility for the Air Force Outstanding Unit Award with Valor (AFOUA w/V) and will correct his records administratively. Therefore, in the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The following members of the Board considered AFBCMR Docket Number BC-2010-01876 in Executive Session on 22 Mar 11, under the provisions of AFI 36-2603:

Mr. XXXXXXXXXX, Panel Chair

Mr. XXXXXXXXXX, Member

Ms. XXXXXXXXXX, Member

The following documentary evidence was considered:

Exhibit A.  DD Forms 149, dated 21 May 10 and 4 Aug 10,

w/atchs.

Exhibit B.  Applicant's Master Personnel Records.

Exhibit C.  Letter, AFPC/DPSIDR, dated 2 Sep 10.

Exhibit D.  Letter, SAF/MRBR, dated 17 Sep 10.

Exhibit E.  Letter, Applicant, dated 22 Sep 10, w/atch.

Exhibit F.  Letter, Applicant, dated 23 Sep 10.

XXXXXXXXXX

Panel Chair