RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2010-02217

XXXXXXX COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

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

1. Bronze Star Medal (BSM)

2. Small Arms Expert Marksmanship Ribbon (SAEMR).

3.  Air Force Good Conduct Medal (AFGCM) **(to be administratively resolved).**

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APPLICANT CONTENDS THAT:

The BSM was mailed to him between Sep and Nov 70 and accompanied by a letter signed by President Nixon. He received the SAEMR during his first year of service.

In support of his appeal, the applicant provides copies of his DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, and a memo from his county veterans’ service office.

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

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STATEMENT OF FACTS:

The applicant’s military personnel records indicate he enlisted in the Regular Air Force on 19 Sep 66 as an airman basic (E-1) for a period of four years and was progressively promoted to the grade of sergeant (E-4), effective and with a date of rank of 1 Dec 69.

Item 24 of his DD Form 214 indicates he is entitled to the National Defense Service Medal (NDSM) and the Vietnam Service Medal (VSM).

On 6 Aug 70, the applicant was honorably discharged from the Air Force at the completion of his required active service. He was credited with three years, seven months, and two days of total active duty service.

On 24 Aug 10, AFPC/DPSIDR notified the applicant they were able to verify his entitlement to the AFGCM, VSM with four Bronze Service Stars (BSS), Presidential Unit Citation (PUC), and Republic of Vietnam Gallantry Cross with Palm and one bronze oak leaf cluster (RVNGC w/P & 1 BOLC).

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.

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AIR FORCE EVALUATION:

AFPC/DPSIDR recommends denial of the applicant’s request for the BSM and SAEMR, indicating they were unable to locate any official documentation verifying the applicant is entitled to the BSM or is rated as expert in small-arms marksmanship.

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

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 10 Sep 10 for review and comment within 30 days. As of this date, no response has been received by this office (Exhibit D).

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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 an error or injustice warranting award of the Bronze Star Medal (BSM), or Small Arms Expert Marksmanship Ribbon (SAEMR). We took notice of the applicant's 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 (OPR) and adopt its rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice. We note the Air Force OPR has verified he is entitled to the Air Force Good Conduct Medal (AFGCM) 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.

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THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of material error or injustice; that the application was denied without a personal appearance; and that 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 AFBCMR Docket Number BC-2010-02217 in Executive Session on 16 Feb 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 Form 149, dated 25 May 10, w/atchs.

Exhibit B.  Applicant's Master Personnel Records.

Exhibit C.  Letter, AFPC/DPSIDR, dated 24 Aug 10.

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

XXXXXXXXXXX

Panel Chair