

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:	DOCKET NUMBER: BC-2012-01167
(DECEASED)	COUNSEL: NONE
(APPLICANT)	HEARING DESIRED: NOT INDICATED

APPLICANT REQUESTS THAT:

His father's records be corrected to reflect:

1. He served in Vietnam.
 2. He was awarded the Vietnam Service Medal (VSM) and the National Defense Service Medal (NDSM) (administratively resolved).
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APPLICANT CONTENDS THAT:

His father's Vietnam service needs to be established in order for his father to receive the bronze burial marker.

In support of his appeal, the applicant provides copies of his father's DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, and death certificate.

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

STATEMENT OF FACTS:

The deceased service member's records reflect he contracted his initial enlistment in the Regular Air Force on 28 Dec 51.

The service member's AF Form 7, *Airman Military Record* reflects he had foreign service in England from 5 Jun 52 through 27 Jun 52.

The service member's DD Form 214, dated 8 Dec 55, reflects he received the NDSM; his NGB Form 22, *Report of Separation and Record Service*, dated 28 Jun 85, also reflects he received the NDSM; and was honorable discharged and transferred to the Retired Reserve List and credited with 33 years, 6 months and 1 day of service.

The VSM is awarded to all service members of the U. S. Armed Forces serving at any time between 4 Jul 65 and 28 Mar 73, in the area of eligibility (AOE). The AOE is defined as: Vietnam, its contiguous waters, or the airspaces there over; in Thailand, Laos, or Cambodia, their contiguous waters, or the airspaces there-over, and in direct support of operations in Vietnam. To be eligible, a service member must have served on temporary duty (TDY) for 30 consecutive or 60 non-consecutive days. These time limitations may be waived for personnel who participated in actual combat operations. A bronze service star denotes campaign participation and is awarded for at least 1 day served in each campaign phase.

The Armed Forces Expeditionary Medal (AFEM) was awarded to service members of the U. S. Armed Forces who, after 1 Jul 58, participated in U.S. Military operations, U.S. operations in direct support of the United Nations (UN), or U. S. operations of assistance for friendly foreign nations. Executive Order 11231 authorizes Service members who earned the AFEM for service in Vietnam between 1 Jul 58 and 4 Jul 65, to elect to receive the VSM instead of the AFEM. However, no service member may be issued both medals for service in Vietnam.

AIR FORCE EVALUATION:

AFPC/DPAPP recommends denial noting a review of the service member's personnel records and documentation submitted failed to substantiate foreign service time in Vietnam.

The complete AFPC/DPAPP evaluation is at Exhibit C.

AFPC/DPSID recommends denial noting there is no evidence in the service member's official records to support he served in the AOE for award of the VSM. To grant relief would be an injustice to all other airman who were awarded the VSM and met the eligibility criteria. However, after a thorough review of the service member's official personnel record, entitlement to the NDSM with one Bronze Service Star (NDSM w/1 BSS) was verified. The service member's records will be updated accordingly.

The complete AFPC/DPSID evaluation, with attachment, is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 28 Aug 12, for review and comment within 30 days

(Exhibit E). As of this date, no response has been received by this office.

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. After a thorough review of the applicant's submission and the evidence of record we found it insufficient to conclude that the service member served or was stationed in Vietnam. In addition, there was no documentation located or submitted that supports the service member was eligible for award of the Vietnam Service Medal. Therefore, we agree with the opinions and recommendations of the Air Force offices of primary responsibility and adopt their rationale as the basis for our decision the applicant has failed to sustain his burden of proof of the existence of an error or injustice. Therefore, in the absence of evidence to the contrary, we find no basis to recommend any corrections to the record beyond that which will be administratively resolved.
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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.

The following members of the Board considered AFBCMR Docket Number BC-2012-01167 in Executive Session on 4 Dec 12, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-01167 was considered:

- Exhibit A. DD Forms 149, dated 26 Mar 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPAPP, dated 12 Jul 12.
- Exhibit D. Letter, AFPC/DPSID, dated 11 Aug 12, w/atch.
- Exhibit E. Letter, SAF/MRBR, dated 28 Aug 12.

Panel Chair