

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01169

COUNSEL: NONE

HEARING DESIRED: NOT INDICATED

APPLICANT REQUESTS THAT:

His service records be corrected to reflect award of the Vietnam Service Medal (VSM).

APPLICANT CONTENDS THAT:

He served in Vietnam in 1974 to 1975 in support of war in Vietnam.

In support of his request, the applicant provides a copy of his DD Form 214, *Report of Separation from Active Duty*.

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

STATEMENT OF FACTS:

The applicant's DD Form 214 reflects he served on active duty from 2 Apr 73 to 1 Apr 77, which includes 11 months and 28 days of foreign service.

The AF Form 909, Airman Performance Report, for the period 29 Jul 74 through 28 Jul 75, reflects he was assigned to the 635th Security Police Squadron, U-Tapsco Airfield, Thailand.

The VSM is awarded to service members of the Armed Forces who served at any time between 4 Jul 65 and 28 Mar 73, in Vietnam, its contiguous waters, or airspace thereover; or in Thailand, Laos, or Cambodia, or the airspaces thereover. To be eligible, a service member must be: (1) attached or regularly serving for one, or more, days with an organization participating in or directly supporting ground (military) operations, (2) attached to or regularly serving for one, or more, days aboard a naval vessel directly supporting military operations, (3) actually participate as a crew member in one or more aerial flights directly supporting military operations, or (4) serve on temporary duty for 30 consecutive days or 60 nonconsecutive days, time

limitations which may be waived for personnel participating in actual combat operations.

AIR FORCE EVALUATION:

AFPC/DPSIDR recommends denial noting the applicant's does not meet the eligibility criteria for award of the VSM because his dates of service in Thailand are after the eligibility period for award.

The complete AFPC/DPSIDR evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to applicant on 24 May 12 for review and comment within 30 days. As of this date, no response has been received by this office (Exhibit D).

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. After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinion appear to be based on the evidence of record and have not been adequately rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.
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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.

The following members of the Board considered AFBCMR Docket Number BC-2012-01169 in Executive Session on 28 Sep 12, under the provisions of AFI 36-2603:

Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 26 Mar 12, w/atch.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSIDR, dated 9 Mar 12.
- Exhibit D. Letter, SAF/MRBR, dated 24 May 12.

Chair