

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01950  
COUNSEL: NONE  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, be corrected to add the Vietnam Service Medal (VSM).

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APPLICANT CONTENDS THAT:

He needs his records updated in order to be compensated by the Department of Veterans Affairs (DVA) for Agent Orange exposure.

In support of his request, the applicant provides a letter from the Veterans Service Commission office and a copy of DD Form 214.

His complete submission, with attachments, is at Exhibit A.

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STATEMENT OF FACTS:

The applicant served in the Regular Air Force for 4 years. He received an honorable discharge on 7 Jan 70. His DD Form 214 reflects he completed 11 months and 9 days of foreign service.

The VSM is awarded to all service members of the Armed Forces who between 4 Jul 65 and 28 Mar 73, served in the following areas of Southeast Asia: in Vietnam and the contiguous waters and airspace; in Thailand, Laos, or Cambodia or the airspace thereof and in direct support of military operations in Vietnam. A service member must have served on TDY for 30 consecutive days or 60 nonconsecutive days to be eligible for award of the VSM. Those time limitations may be waived for personnel participating in actual combat operations.

AFPC/DPSID administratively corrected the applicant's records to reflect award of the Air Force Outstanding Unit Award (AFOUA) and the Republic of Vietnam Gallantry Cross with Palm (RVNGC w/P).

The remaining relevant facts pertaining to this application are contained in the letters prepared by the appropriate offices of the Air Force, which are at Exhibit B and C.

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AIR FORCE EVALUATION:

AFPC/DPAPP recommends denial stating the applicant's master personnel records did not contain any information that reflects he served in Vietnam.

The complete DPAPP evaluation is at Exhibit B.

AFPC/DPSID recommends denial stating they were unable to find any evidence that the applicant served in the area of operations or served in the AOE for the required period of time.

The complete DPSID evaluation, with attachment, is at Exhibit C.

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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. As of this date, this office has received no response.

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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. 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 and adopt its rationale as the basis for our conclusion that relief beyond that already granted administratively is not warranted. Nevertheless, if the applicant is able to provide any source documents, (i.e., travel vouchers, evaluation reports, letters of evaluation, decorations, witness statements, sworn affidavit, etc.) to verify his service in Vietnam, the Board would reconsider his request. However, 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-2012-01950 in Executive Session on 14 Nov 12, under the provisions of AFI 36-2603:

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 11 Apr 12, w/atchs.
- Exhibit B. Letter, AFPC/DPAPP, dated 14 Jun 12.
- Exhibit C. Letter, AFPC/DPSID, dated 11 Aug 12, w/atch.
- Exhibit D. Letter, SAF/MRBR, dated 28 Aug 12.

Panel Chair