

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02038
COUNSEL: NONE
HEARING DESIRED: YES

APPLICANT REQUESTS THAT:

His DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge* be corrected to reflect the following:

- a) Vietnam Service Medal (VSM).
 - b) Armed Forces Expeditionary Medal (AFEM).
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APPLICANT CONTENDS THAT:

1. He served as an aircrew member aboard a C-141 that landed in South Vietnam and Thailand and flew over the airspaces of Vietnam, Thailand, Laos and Cambodia between 1970 and 1972, in direct support of military operations in Vietnam.

2. Between 16 to 17 Mar 1972, he served as an aircrew member aboard a C-141 that landed in and flew over the airspace of Korea.

In support of his request, the applicant provides copies of his MAC Form 41, *Flight Authorization*; MAC Forms 21-1, *Proficiency Training and Progress Record*; ARPC Form 271, *Reserve Order*, and AFRES Form 116, *Request and Authorization for Discharge and Enlistment/Reenlistment of Air Force Reserve Airman*.

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

STATEMENT OF FACTS:

On 24 Jan 1966, the applicant enlisted in the Regular Air Force.

On 20 Jul 2012, AFPC/DPAPP notified the applicant they were able to verify he served in the Republic of Vietnam, from 22 May 1972 to 26 May 1972 for five days.

In addition, DPAPP informed the applicant that specific locations are not reflected on the member's DD Form 214.

The AFEM is awarded to members of the United States Armed Forces, who, after 1 Jul 1958, participated in United States Military operations, United States operations in direct support of the United Nations, or United States operations of assistance for friendly foreign nations. Service members must have been permanently assigned, attached, or detailed to a unit that participated in or engaged in direct support of the operation for 30 consecutive days in a designated area of eligibility in a foreign territory (or for the full period when an operation is less than 30 days duration) or 60 non-consecutive days provided the support involved entering the area of eligibility.

The AFEM is awarded for service in Korea during the period 1 Oct 1966 to 20 Jun 1974.

The VSM is awarded to all members of the United States Armed Forces serving at any time between 4 Jul 1965 and 28 Mar 1973, in the area of eligibility. The area of eligibility is defined as: Vietnam, its contiguous waters, or the airspaces there-over, and in direct support of operations in Vietnam. To be eligible, a service member must have served temporary duty for 30 consecutive days or 60 non-consecutive days. These time limitations may be waived for personnel who participated in actual combat operations. A bronze star denotes campaign participation and is awarded for at least one day in each campaign phase.

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/DPSID recommends denial. DPSID states there is insufficient documentation in the applicant's official military personnel record verifying he served in the area of eligibility for 30 consecutive or 60 non-consecutive days during the inclusive period for which the VSM is authorized.

In addition, the applicant served in Korea for one day and therefore does not meet the basic award criteria for the AFEM as he did not serve for 30 consecutive or 60 non-consecutive days.

The complete DPSID evaluation is at Exhibit C.

REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 11 Sep 2012 for review and comment within 30 days (Exhibit D). As of this date, this office has not received a response.

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 Air Force office of primary responsibility and adopt its rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice. Therefore, in the absence of the evidence to the contrary, we find no basis to recommend granting further relief in this case.
 4. The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issues involved. Therefore, the request for a hearing is not favorably considered.
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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 Docket Number BC-2012-02038 in Executive Session on 29 Nov 12, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-02038 was considered:

- Exhibit A. DD Form 149, dated 4 May 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSID, dated 4 Sep 12.
- Exhibit D. Letter, SAF/MRBR, dated 11 Sep 12.

Panel Chair