

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2012-01152
(DECEASED) COUNSEL: NONE
(APPLICANT) HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

Her late husband's DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, be amended to reflect that he served in Thailand, Vietnam, and Korea.

APPLICANT CONTENDS THAT:

Her late husband served several tours in Southeast Asia (SEA), flying missions out of Thailand in support of operations in Vietnam. He received the Vietnam Service Medal with seven Bronze Service Stars (VSM w/7BSS), the Republic of Vietnam Campaign Medal (RVCM), and the Republic of Vietnam Gallantry Cross with Palm (RVNGC w/P). The errors on her husband's DD Form 214 are preventing her from receiving benefits from the Department of Veterans Affairs (DVA) related to her husband's passing as a result of his herbicide exposure.

In support of her request, the applicant provides a copy of the service member's death certificate and DD Form 214.

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

STATEMENT OF FACTS:

The deceased former member served in the regular Air Force during the matter under review. On 31 May 73, the deceased former member was relieved from active duty and retired, effective 1 Jun 73, and credited with 22 years, 5 months, and 3 days of active service, which included 4 years, 5 months, and 23 days of foreign service.

On 22 Jun 12, AFPC/DPSOY notified the applicant that in accordance with Air Force Directives and Department of Defense (DOD) guidance, specific TDY duty locations are not reflected on the DD Form 214; rather, only permanent assignments to Vietnam, Thailand, or Korea qualify for update to the DD Form 214.

AIR FORCE EVALUATION:

AFPC/DPAPP notes although they cannot confirm the exact locations of the service member's TDY assignments to Southeast Asia, they can confirm he was in the Southeast Asia area of responsibility on numerous occasions. Because the service member was flying combat missions, it can be assumed he flew missions in and around Vietnam.

The complete AFPC/DPAPP evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant provided a photograph of the service member receiving congratulations from his Deputy Commander for completing 100 Young Tiger refueling missions in Southeast Asia.

The applicant's complete response, with attachments, is at Exhibit E.

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 an injustice with respect to the applicant's request to have the deceased former service member's DD Form 214 corrected to reflect he served in Vietnam, Thailand, and Korea. We took note of the applicant's complete submission, to include her rebuttal response, in judging the merits of the case; however, while it is clear from the documentation provided the deceased former service member served on a variety of temporary duty (TDY) assignments in the Southeast Asia Theater of Operations, we do not find the evidence presented sufficient to conclude his DD Form 214 should be corrected as she requests. In this respect we note that in accordance with the governing Department of Defense instructions, only permanent assignments in the Theater of Operations qualified for update to the DD Form 214. Therefore, in view of the above and in the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application. Notwithstanding the above, sufficient relevant evidence has been presented to demonstrate the existence of an error or injustice warranting partial relief. After a thorough review of the evidence presented and the deceased service member's military personnel records, we believe a reasonable basis exists to conclude the applicant served in Vietnam. In this respect, we note the comments of AFPC/DPAPP indicating that his performance reports closing 15 Oct 69 and

15 Oct 71 reflect he served several TDY assignments in Southeast Asia and was awarded the AFOUA for outstanding achievement in Southeast Asia. Therefore, in view of the above, and in recognition of his service to the Nation, we recommend the deceased former member's records be corrected to the extent indicated below.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to the FORMER SERVICE MEMBER be corrected to show that he had boots on the ground in the Republic of Vietnam.

The following members of the Board considered AFBCMR Docket Number BC-2012-01152 in Executive Session on 9 Jan 13, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

All members voted to correct the records as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 15 Mar 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPAPP, dated 12 Jun 12.
- Exhibit D. Letter, SAF/MRBR, dated 3 Aug 12.
- Exhibit E. Letter, Applicant, dated 31 Aug 12, w/atc.

Panel Chair