

JUL 0 2 1998

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-02389

COUNSEL: [REDACTED]

HEARING DESIRED: No

APPLICANT REQUESTS:

Correction of his DD Form 214 (Certificate of Release or Discharge From Active Duty) to reflect award of any awards and decorations for service in [REDACTED]

APPLICANT CONTENDS THAT:

His DD Form 214 needs to be amended to show service within Southwest Asia and that he be bestowed any awards and decorations for such service.

In support of his appeal, the applicant provided a copy of his DD Form 214 and DD Form 1610 (Authorization for Temporary Duty (TDY) Travel of Department of Defense (DOD) Personnel).

Applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

On 13 Jul 87, the applicant enlisted in the Regular Air Force for a period of four years in the grade of airman basic.

Applicant's DD Form 1610, dated 26 Aug 90, reflects 92 days' TDY (27 Aug 90 to 26 Nov 90), for Special Mission Travel to proceed on or about 27 Aug 90 from [REDACTED] Air Station (AS), [REDACTED] to [REDACTED] Naval Air Station (NAS), [REDACTED], for participation in July 1 exercise.

On 29 Apr 91, the applicant was released from active duty under the provisions of AFR 39-10 (Overseas Returnee Lacks Retainability for Assignment) in the grade of sergeant and transferred to the Air Force Reserves. He was credited with 3 years, 9 months, and 16 days of active service. His awards

included the Noncommissioned Officer (NCO) Professional Military Education Ribbon, National Defense Service Medal, Air Force Overseas Short Tour Ribbon with 1 Oak Leaf Cluster (1OLC), Air Force Training Ribbon, Air Force Outstanding Unit Award with 1OLC, Air Force Achievement Medal (AFAM) with 1OLC, and Air Force Good Conduct Medal.

On 7 Dec 94, the applicant was relieved from assignment under the provisions of AFR 35-41 and honorably discharged from the Air Force Reserves in the grade of sergeant.

On 4 Sep 97, the applicant was requested to provide a copy of his Travel Voucher for TDY to verify that he was in the Area of Responsibility for Operation Desert Shield/Storm (Exhibit C).

On 15 Sep 97, the Department of Veterans Affairs (DVA) responded, stating the applicant did not have the required documentation and, instead, attached a copy of his citation for the AFAM with 1 OLC (Exhibit D).

AIR FORCE EVALUATION:

The NCOIC, AF Conus Assignments Procedures, AFPC/DPAIP1, reviewed this application and indicated that a review of the applicant's personnel records reflects his DD Form 1610 indicated that he was TDY on or about 27 Aug 90 from Comiso AS, Italy, to Sigonella NAS, Italy. There is no indication he was in Southwest Asia. DPAIP1 recommends disapproval.

A complete copy of the Air Force evaluation is attached at Exhibit E.

The Recognition Programs Branch, AFPC/DPPPRA, also reviewed this application and indicated that the applicant has failed to provide any documentation to support his claim that he was in the Persian Gulf Area of Responsibility for the required amount of time (30 consecutive days) to be eligible for any Persian Gulf decorations. He also has failed to state that he was in the Area of Responsibility and the inclusive dates. DPPPRA cannot verify his eligibility for the [REDACTED] Service Medal, [REDACTED] Liberation Medal [REDACTED], or [REDACTED] Liberation Medal [REDACTED] without documentation to substantiate his claim for these decorations. DPPPRA recommends disapproval of the applicant's request for award of any awards and decorations for service in [REDACTED]a.

A complete copy of the Air Force evaluation is attached a

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

On 15 Oct 97, the DVA provided copies of "command" certificates issued to applicant and stated that these certificates are all of the remaining evidence that the applicant has in regard to this matter. Further, DVA stated that the applicant was separated from the Air Force in Apr 91, shortly after his return to Italy from the Persian Gulf, and had no need to save TDY orders or a PERSCO (Personnel Readiness and Deployment Teams) statement (see Exhibit H).

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 probable error or injustice. After a thorough review of the evidence of record and applicant's submission, we are not persuaded that his DD Form 214 should be corrected to reflect any awards and decorations for service in Southwest Asia as requested. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinions and recommendations of the Air Force and adopt their 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 evidence to the contrary, we find no compelling basis to recommend granting the relief sought.

THE BOARD DETERMINES THAT:

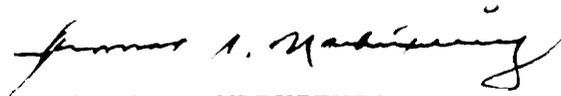
The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered this application in Executive Session on 11 June 1998, under the provisions of Air Force Instruction 36-2603:

Mr. Thomas S. Markiewicz, Panel Chair
Mr. Robert W. Zook, Member
Ms. Olga M. Crerar, Member
Mrs. Joyce Earley, Examiner (without vote)

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 6 Aug 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPRA, dated 4 Sep 97.
- Exhibit D. Letter fr VA, dated 15 Sep 97, w/atch.
- Exhibit E. Staff Summary Sheet fr AFPC/DPAIP1, dated
3 Sep 97.
- Exhibit F. Letter, AFPC/DPPRA, dated 24 Sep 97.
- Exhibit G. Letter, AFBCMR, dated 13 Oct 97.
- Exhibit H. Letter fr VA, dated 15 Oct 97, w/atchs.



THOMAS S. MARKIEWICZ
Panel Chair