

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: JUL 17 2018

DOCKET NUMBER: AR20160013654

BOARD VOTE:

_____	GRANT FULL RELIEF
[REDACTED]	GRANT PARTIAL RELIEF
_____	GRANT FORMAL HEARING
_____	DENY APPLICATION

2 Enclosures

1. Board Determination/Recommendation
2. Evidence and Consideration

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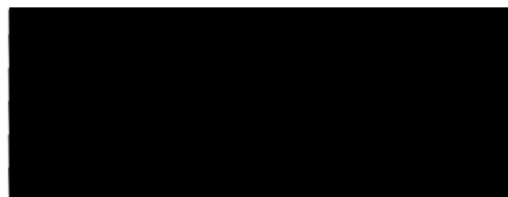
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BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- deleting from his DD Form 214 the Vietnam Service Medal with one bronze service star
- adding to his DD Form 214 –
 - Vietnam Service Medal with two bronze service stars
 - Republic of Vietnam Gallantry Cross with Palm Unit Citation

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to any relief in excess of that described above.



I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

Enclosure 1

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: JUL 17 2018

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THE BOARD CONSIDERED THE FOLLOWING EVIDENCE:

1. Application for correction of military records (with supporting documents provided, if any).
2. Military Personnel Records and advisory opinions (if any).

THE APPLICANT'S REQUEST, STATEMENT, AND EVIDENCE:

1. The applicant requests, in effect, correction of his DD Form 214 (Report of Separation from Active Duty) to show all his authorized awards and then issuance of the medal sets.
2. The applicant states he was never issued all his medals when he left the service.
3. The applicant did not provide evidence to support his application.

CONSIDERATION OF EVIDENCE:

1. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the Army Board for Correction of Military Records (ABCMR) to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so. While it appears the applicant did not file within the time frame provided in the statute of limitations, the ABCMR has elected to conduct a substantive review of this case and, only to the extent relief, if any, is granted, has determined it is in the interest of justice to excuse the applicant's failure to timely file. In all other respects, there are insufficient bases to waive the statute of limitations for timely filing.

Enclosure 2

2. Service medals and awards are not issued by the Army Board for Correction of Military Records (ABCMR). However, the applicant may obtain his medals by submitting his request in writing to: National Personnel Records Center, ATTN: Army Reference Branch, 1 Archives Drive, St. Louis, Missouri 63138. This issue will not be further addressed in this record of proceedings.

3. The applicant enlisted in the Regular Army on 30 April 1971.

4. The applicant's DA Form 20 (Enlisted Qualification Record) shows:

a. he served in the Republic of Vietnam from 20 September 1971 to 23 March 1972 and during this period he was assigned to:

- Troop D, 2nd Squadron, 17th Cavalry from 2 October to 1 December 1971
- Troop F, 2nd Squadron, 11th Armored Cavalry Regiment from 2 December 1971 to 19 March 1972

b. his authorized awards –

- National Defense Service Medal
- Vietnam Service Medal
- Combat Infantryman Badge
- Republic of Vietnam Campaign Medal with Device (1960)
- one overseas service bar
- Sharpshooter Marksmanship Qualification Badge with Machine Gun Bar
- Expert Marksmanship Qualification Badge with Rifle Bar (M16)

5. On 29 January 1974 the applicant was honorably released from active duty and issued a DD Form 214. He completed 2 years and 9 months of net active service with 6 months and 4 days of foreign service. Item 18 (Remarks) shows he served in the Republic of Vietnam. He received the following awards:

- National Defense Service Medal
- Vietnam Service Medal with 1 bronze service star
- Combat Infantryman Badge
- Republic of Vietnam Campaign Medal with Device (1960)
- Sharpshooter Marksmanship Qualification Badge with Machine Gun Bar
- Expert Marksmanship Qualification Badge with Rifle Bar (M16)

REFERENCES:

1. Army Regulation 600-8-22 (Military Awards) provides the following policy guidance concerning awards, decorations and service medals.

a. Awards made by the President, the Secretary of Defense, and the Secretary of the Army are announced in Department of the Army general orders (DAGOs). Awards of decorations and the Army Good Conduct Medal will be announced in permanent orders by the appropriate awards approval authority. Service medals and ribbons are administratively awarded to individuals who meet the qualifying criteria.

b. The Army Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity. This period is 3 years except in those cases when the period for the first award ends with the termination of a period of active Federal military service. Although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified. [The policy changed in December 1974 wherein there were no conduct and efficiency ratings shown on the Enlisted Qualification Record.]

c. The Vietnam Service Medal is awarded to all members of the Armed Forces of the United States for qualifying service in Vietnam after 3 July 1965 through 28 March 1973. This same regulation states a bronze service star is authorized with the Vietnam Service Medal award for each Vietnam campaign a member is credited with participating in. Appendix B shows that during the applicant's service in Vietnam, participation credit was awarded for the following two campaigns:

- Consolidation I (1 July 1971 - 30 November 1971)
- Consolidation II (1 December 1971 - 29 March 1972)

2. Department of the Army General Orders Number 8, dated 1974, announced award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Military Assistance Command and its subordinate units during the period 8 February 1962 to 28 March 1973 and to Headquarters, U.S. Army Vietnam and its subordinate units during the period 20 July 1965 to 28 March 1973.

3. Army Regulation 635-5 (Separation Documents), in effect at the time, prescribed policies and procedures for the completion of the DD Form 214. Regarding award and decorations, it stated all decorations, service medals,

campaign credits, and badges awarded or authorized would be reflected. The source document was the DA Form 20 and award orders.

DISCUSSION:

1. The applicant participated in two campaigns during his service in Vietnam. The Vietnam Service Medal is shown on his DA Form 20 and his DD Form 214 with one bronze service star. He is authorized a second bronze service star to be affixed to his already awarded Vietnam Service Medal, which is not shown on his DD Form 214.
2. Orders cited the applicant's unit of assignment in the Republic of Vietnam for award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation. His DD Form 214 does not list this unit award.

//NOTHING FOLLOWS//