

4. The applicant was inducted into the Army of the United States on 21 November 1967. His DA Form 20 (Enlisted Qualification Record) shows in:

- Item 31 (Foreign Service), he arrives in Vietnam on 12 August 1968
- Item 38 (Record of Assignments), he was assigned to Company E, 4th Battalion, 31st Infantry, 196th Infantry Brigade from 22 August 1968 to 16 April 1969 and to Company B, 4th Battalion, 31st Infantry, 196th Infantry Brigade from 17 April 1969 until his departure from Vietnam

5. Orders Number 195, dated 14 July 1969, issued by Headquarters, Americal Division, directed the applicant's reassignment to the U.S. Army Transfer Station, Fort Lewis, WA. The orders show his unit as Company B, 4th Battalion, 31st Infantry.

6. The applicant's orders for the BSM, dated 15 July 1969, show his unit as Company B, 4th Battalion, 31st Infantry, 196th Infantry Brigade.

7. The applicant's DA Form 137 (Installation Clearance Record) shows he was to depart Vietnam on or around 6 August 1969. The form shows his unit as Company E, 4th Battalion, 31st Infantry, 196th Infantry Brigade.

8. The applicant was released from active duty on 7 August 1969. Item 12 of his DD Form 214 shows his last unit assignment as Company B, 4th Battalion, 31st Infantry, 196th Infantry Brigade (applicant stated his DD Form 214 shows 198th Infantry Brigade). His DD Form 214 does not show the BSM as an authorized award.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's contentions, the military record, and regulatory guidance. The Board noted that the applicant's request regarding the award of the BSM will be administratively corrected and, as a second correction, the award of the Combat Infantryman Badge and, therefore, took no further action.

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 other relief not stated above.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

█	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	█	█	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

 █

█ █

█

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.

ADMINISTRATIVE NOTE(S):

1. The applicant's OMPF contains General Orders Number 6589, dated 15 July 1969, issued by Headquarters, Americal Division, awarding him the BSM for meritorious service during the period August 1968 to August 1969. There is sufficient evidence to administratively correct his DD Form 214 to show the BSM without Board action.
2. His OMPF also contains Special Orders Number 295, dated 21 October 1968, issued by Headquarters, Americal Division, awarding him the Combat Infantryman Badge, however, this badge was not entered on his DD Form 214. There is sufficient

evidence to administratively correct his DD Form 214 to show the Combat Infantryman Badge without Board action.

REFERENCES:

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 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.
2. Army Regulation 635-5 (Separation Documents), in effect at the time, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It established standardized policy for the preparation of the DD Form 214. It states the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. The version of the regulation in effect at the time states that in item 12, for personnel reassigned on orders to a transfer activity prior to separation, enter the losing unit of assignment as shown in the standard name line and the title of the major command or agency having jurisdiction over the losing unit of assignment as shown in the lead line of the orders reassigning the individual to the transfer activity.
3. Army Regulation 15-185 (ABCMR) provides Department of the Army policy, criteria, and administrative instructions regarding an applicant's request for the correction of a military record. Paragraph 2-9 states the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of evidence.

//NOTHING FOLLOWS//