

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

Lavon BOARD DATE: 22 September

2023 DOCKET NUMBER:

AR20230004049

APPLICANT REQUESTS: Correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge):

- a. Item 5a (Grade, Rate, or Rank) showing separation as a specialist 4
- b. item 24 (Decorations, Medals, Badges, Commendation, Citations and Campaign Ribbons Awarded or Authorized) by adding training with the M-14 and M-16 rifles.
- c. Item 25 (Education and Training Completed) by deleting the entry of Wheeled Vehicle Mechanic at Fort Jackson SC; and add Tracked Vehicle Mechanic Training at Fort Knox KY, 8 weeks, 1964; Maintenance Repairs at Schofield Barracks HI; completion of a General Education Diploma, HI 1965; and completion of Jungle Warfare Training.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states he is 80 years old disabled and in poor health and would like to have DD Form 214 corrected to remove the cited discrepancies in his records. He did not receive any documentation for the items he is requesting correction for and would just like the information updated.
3. The service record includes his enlistment documents, Special Court-Martial Order Number 93, a DA Form 20 (Enlisted Qualification Record) and DD Form 214.

4. The DD Form 214 accurately captures the grade of E-4 and the entry of his completion of the GED (shown as USAFI (United States Armed Forces Institute) (GED) High School Equivalent Certified, 1965) are already entered on his DD Form 214; therefore, these issues will not be considered by the Board.
5. The applicant enlisted in the Regular Army on 16 June 1964 for 3 years. The highest grade he held was E-4.
6. The DA Form 20 shows:
 - his MOS as 63B training in 1965 with no other military education shown
 - his weapons qualification as only on the M-1 Rifle
 - service in Vietnam from 21 October 1965 to 17 August 1966 with Headquarters and Headquarters Company 1st Battalion, 27th Infantry Division
 - duty assignments at Track Vehicle Mechanic training from 4 February 1965 through 10 April 1965
 - 10 days of lost time due to being absent without leave for which he was found guilty by a Special Court-Martial
 - his conduct and efficiency ratings were excellent or unknown except for an unsatisfactory rating on 26 October 1964 and good rating on 4 February 1965
7. His DD Form 214 shows he was honorably discharged on 23 June 1967 in the grade of E-4. He completed 2 years, 11 months, and 28 days of net active service with 1 year, 3 months, and 29 days of service in Hawaii and Vietnam. His military occupational specialty (MOS) is shown as 63B (Wheeled Vehicle Mechanic). It also shows he was awarded or authorized:
 - National Defense Service Medal
 - Vietnam Service Medal
 - Republic of Vietnam Campaign Medal
 - Combat Infantryman Badge
 - Sharpshooter Qualification Badge with Rifle Bar (M-1)
8. A review of the applicant's service record confirms administrative entries were omitted from his DD Form 214. The entries will be added to his DD Form 214 as administrative corrections and will not be considered by the Board. The Board will consider his request for military education and combat training.
9. By regulation (AR 15-185), The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief was not warranted. The Board carefully considered the applicant's contentions, the military record, and regulatory guidance. Based upon the information reflected on the applicant's DA Form 20 matching the information requested on the applicant's DD Form 214, and a lack of any documentation reflecting any of the requested relief, the Board concluded there was insufficient evidence of an error or injustice related to the applicant's requested relief.

2. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

Mbr 1	Mbr 2	Mbr 3	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. 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.
2. Prior to closing the case, the Board did note the administrative notes below from the analyst of record and recommended those changes be completed to more accurately reflect the military service of the applicant.



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):

A review of the applicant's record shows his DD Form 214, for the period ending 23 June 1967 is missing entries that does not require Board action. As a result, amend the DD Form 214 by adding the following entries to:

- a. item 24 (Decoration, Medals, Badges, Citations, and Campaign Ribbons):
 - four bronze service stars to his already awarded Vietnam Service Medal
 - the Republic of Vietnam Gallantry Cross with Palm Unit Citation
- b. item 30 Service in Vietnam from 21 October 1965 to 17 August 1966

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 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.
4. Army Regulation 635-5 (Separation Documents) prescribes the separation documents that must be prepared for Soldiers on retirement, discharge, release from active duty service, or control of the Active Army. It establishes standardized policy for preparing and distributing the DD Form 214 and states to list formal in-service (full-time attendance) training courses successfully completed during the period of service covered by the DD Form 214. Include title, length in weeks, and year completed. This information is to assist the Soldier in job placement and counseling; therefore, do not list training courses for combat skills.

//NOTHING FOLLOWS//