

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 November 2023

DOCKET NUMBER: AR20230004272

APPLICANT REQUESTS: the applicant, the wife of a deceased former service member (FSM), requests the correction of her husband's DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show the awards of the Vietnam Service Medal and the Republic of Vietnam Campaign Medal with Device (1960).

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

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

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10 (Armed Forces), United States Code (USC), section 1552 (b) (Correction of Military Records: Claims Incident Thereto). 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, in effect, after her husband recently passed away, the family discovered his DD Form 214 was missing the above-mentioned awards.

3. The applicant's requested relief for the award of the Vietnam Service Medal is supported by sufficient evidence; as a result, this portion of the requested relief will be addressed in the "ADMINISTRATIVE NOTE(S)" section and will not be further considered by the Board.

4. A review of the FSM's service record reveals the following:

a. On 5 November 1962, after completing honorable service in both the Regular Army and the U.S. Army Reserve, the FSM reenlisted into the Regular Army for 3 years; at his entrance on active duty, the FSM held the rank/grade of specialist four

(SP4)/E-4 in military occupational specialty (MOS) 16B (Air Defense Missile Crewman (██████████)). Orders immediately assigned him to a missile battalion in Elroy, TX, and he arrived at his new unit, on 5 November 1962.

b. At some point prior to April 1965, the FSM received reassignment instructions to attend training for MOS 36H (Dial Central Office Repairman). On 13 August 1965, the FSM graduated from training, and the Army awarded him MOS 36H; orders subsequently transferred him to the U.S. Army Strategic Communication Command in Vietnam, and he arrived, on 27 September 1965.

c. On or about 10 March 1966, after the FSM had completed 5 months and 12 days of service in Vietnam, the Army medically evacuated him to a treatment facility in Illinois; his available service record does not disclose the reason for his medical evacuation. Upon his release from the medical facility, orders reassigned him to an air defense unit at Fort Bliss, TX, and he arrived, on or about 16 May 1966.

d. On 2 September 1966, the Army honorably discharged the FSM based on having reached his expiration term of service. His DD Form 214 shows he completed 3 years, 9 months, and 28 days of net active duty service, of which he served 5 months and 12 days in Vietnam. Item 26 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) lists the following:

- Army Good Conduct Medal (2nd Award)
- National Defense Service Medal
- Expert Marksmanship Qualification Badge with Carbine and Rifle Bars

5. Army Regulation (AR) 600-8-22 (Military Awards), currently in effect, states the Republic of Vietnam Campaign Medal was awarded by the Republic of Vietnam government to service members who served in Vietnam, for a minimum of 6 months, between 1 March 1961 and 28 January 1973.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that a portion of relief was warranted. The Board carefully considered the applicant's contentions, the military record, and regulatory guidance. Given the deceased former service member's period of service, the Board agreed that he was ineligible for the award of the Republic of Vietnam Campaign Medal. However, as a review of his record revealed corrections not otherwise requested, after due consideration of the request, the Board determined that the evidence presented sufficient to warrant a recommendation for a portion of the 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:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
█	█	█	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

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.



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. AR 635-5 (Separation Documents), in effect at the time, stated the DD Form 214 was to list all decorations, service medals, campaign credits, and badges awarded or authorized. Additionally, change 11, effective January 1970, required the DD Form 214 to show a separating Soldier's Vietnam service in remarks.

2. AR 600-8-22, currently in effect, states the Vietnam Service Medal is awarded to all members of the Armed Forces of the United States based on their qualifying service in Vietnam after 3 July 1965 through 28 March 1973. A bronze service star will be awarded for wear on the Vietnam Service Medal for the Soldier's participation in each recognized campaign; Vietnam campaigns include the following:

- Defense (8 March 1965 to 24 December 1965)
- Counteroffensive (25 December 1965 to 30 June 1966)

3. Department of the Army Pamphlet (DA PAM) 672-3 (Unit Citation and Campaign Participation Credit Register) shows that Department of the Army General Order (DAGO) Number 8, dated 1974, awarded all units that served in Vietnam the Republic of Vietnam Gallantry Cross with Palm Unit Citation.

4. Based on the foregoing, amend the FSM's DD Form 214, ending 2 September 1966, as follows:

a. Add to item 26 the Vietnam Service Medal with two bronze service stars and the Republic of Vietnam Gallantry Cross with Palm Unit Citation.

b. Enter the following comment in item 30 (Remarks): "Service in Vietnam from 27 September 1965 to 10 March 1966."

REFERENCES:

1. Title 10, USC, 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. AR 600-8-22, currently in effect, states the Republic of Vietnam Campaign Medal was awarded by the Republic of Vietnam government to service members who served in Vietnam, for a minimum of 6 months, between 1 March 1961 and 28 January 1973.

//NOTHING FOLLOWS//