

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 February 2024

DOCKET NUMBER: AR20230007005

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), for the period ending 20 July 1973, to show his foreign service in Korea.

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

- DD Form 149 (Application for Correction of Military Record)
- Unit Order Number 38, dated 22 July 1966
- Special Orders Number 45, dated 14 February 1967
- DD Form 214, for the period ending 20 July 1973

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 his service record does not reflect his service in Korea. He spent 14 months in Korea. His foreign service time needs to be reflected on his DD Form 214.
3. The applicant's records contain sufficient evidence to support adding additional awards and/or information not shown on his DD Form 214. His DD Form 214 will be administratively corrected without Board action.
4. He enlisted in the Oklahoma National Guard on 29 January 1965 entered active duty for training (ADT). He completed training for award of military occupational specialty (MOS) 111.00 (Light Weapons Infantry). On 14 June 1965, he was honorably released from ADT. His DD Form 214 for this period shows he completed 4 months and 16 days of active service.
5. On 13 September 1965, the applicant enlisted in the Regular Army. The applicant provides:

- Unit Order Number 38, issued by B Battery, 6th Battalion 80th Artillery, APO 96251 (Korea) dated 22 July 1966, which reflects his name as being promoted to specialist (SPC)/E-4
- Special Orders Number 45, Headquarters, issued by 7th Infantry Division, dated 14 February 1967, which show his transition to Korea, effective no later than 14 May 1967

6. His DA Form 20 (Enlisted Qualification Record) shows in:

a. Item 5 (Foreign Service):

- Korea from 16 February 1966 to 12 April 1967
- Germany from 20 September 1967 to 30 April 1969
- Vietnam from 17 July 1969 to 16 June 1970
- Vietnam from 3 June 1971 to 22 May 1972

b. Item 35 (Record of Assignments): shows in part, the applicant was assigned to 163rd Aviation Company, Vietnam, from 28 June 1969 to 20 July 1970.

c. Item 9 (Awards, Decorations and Campaigns):

- National Defense Service Medal
- Vietnam Service Medal
- Army Good Conduct Medal
- Army Commendation Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- two overseas service bars
- Bronze Star Medal
- National Defense Service Medal
- Expert Marksmanship Qualification Badge with Rifle Bar

7. On 21 July 1967, he was honorably discharged from active duty due to reenlistment. His DD Form 214 for this period shows he completed 1 year, 10 months, and 9 days of active service. His DD Form 214 also shows in

a. Item 22c (Foreign and or Sea Service): 1 year, 1 month, and 27 days (Service in Korea from 16 February 1966 to 12 April 1967).

b. He was awarded or authorized: Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14) and National Defense Service Medal

c. Item 30 (Remarks) – does not show his service in Korea.

8. On 20 July 1973, he was honorably discharged from active duty. His DD Form 214 for this period shows he completed 5 years, 11 months, and 29 days of active service. His DD Form 214 also shows:

a. Item 22c: 3 years, 6 months, and 1 day (service in Germany from 20 September 1967 to 30 April 1969, service in Vietnam from 17 July 1969 to 16 June 1970; and service in Vietnam from 3 June 1971 to 22 May 1972).

b. He was awarded or authorized:

- Republic of Vietnam Campaign Medal with Device (1960)
- Vietnam Service Medal with one bronze service star
- Bronze Star Medal
- Army Commendation Medal
- Army Good Conduct Medal

c. Item 30 - shows his service in Vietnam from 17 June 1969 to 16 June 1970; Indochina "YES"; Korea "No".

9. By regulation, for the DD Form 214, enter in:

- item 22c, enter the amount of service performed outside the continental U.S. during the period covered by the DD Form 214
- item 24, enter from DA Form 20, all decorations, service medals, campaign credits and badges awarded or authorized
- item 30, indicate Indochina and Korea service on or after August 1964 by entering inclusive dates of service for Vietnam and indicating "yes" or "no" for service in Indochina and Korea

#### BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The DD Form 214 being contested is for the period 22 July 1967 to 20 July 1973. During this period, the applicant served in Germany (September 1967 to April 1969), and Vietnam twice (July 1969 to June 1970 and June 1971 to May 1972). He did not serve in Korea during this period of service. The DD Form 214 in effect at the time provided for entries in item 30 to indicate Indochina and Korea service on or after August 1964 by entering inclusive dates of service for Vietnam and indicating "yes" or "no" for service in Indochina and Korea. Since his last major theater was U.S. Army Pacific (USARPAC), Item 22 of this DD Form 214 lists this major theater, and since he served in Vietnam

twice during this period, his DD Form 214 lists his Vietnam service in the Remarks Block.

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:

Except for the correction addressed in Administrative Note(s) below, 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. A review of the applicant's records show he was awarded or authorized the following awards and corrections not listed on his DD Form 214 for the period ending 21 July 1967 by adding to item 24: Korea Defense Service Medal.
2. A review of the applicant's records show he was awarded or authorized the following awards not listed on his DD Form 214 for the period ending 20 July 1973:

- a. Item 24 - deleting the Vietnam Service Medal with one bronze service star.
- b. Item 30 – adding:
  - Korea Defense Service Medal
  - Republic of Vietnam Gallantry Cross with Palm Unit Citation
  - Republic of Vietnam Civil Action Honor Medal First Class Unit Citation
  - Vietnam Service Medal with three bronze service stars
  - National Defense Service Medal
  - two overseas bars
  - Expert Marksmanship Qualification Badge with Rifle Bar.

#### 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, states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. The specific instructions for:
  - Item 22c, enter the amount of service performed outside the continental U.S. during the period covered by the DD Form 214
  - Item 24, enter from DA Form 20, all decorations, service medals, campaign credits and badges awarded or authorized
  - Item 30, Indicate Indochina and Korea service on or after August 1964 by entering inclusive dates of service for Vietnam and indicating “yes” or “no” for service in Indochina and Korea.
3. Army Regulation 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.
  - a. The Korea Defense Service Medal is authorized for award to members of the Armed Forces of the United States who have served on active duty in support of the defense of the Republic of Korea. The period of eligibility is 28 July 1954 to a date to be determined by the Secretary of Defense.
  - b. A bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign.

4. Department of the Army General Orders (DAGO) 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.

5. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the awards received by units serving in Vietnam. This pamphlet shows the unit to which the applicant was assigned was cited for award of the Republic of Vietnam Civil Action Honor Medal First Class Unit Citation for the period 1 July 1968 to 2 May 1970, DAGO 48, dated 1971.

//NOTHING FOLLOWS//