

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 5 January 2024

DOCKET NUMBER: AR20230007240

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show in:

- Item 2 (Service Number) – ██████████ (Service Number 1) instead of ██████████ (Service Number 2)
- Item 3 (Social Security Number – ██████████ (SSN 1) instead of ██████████ (SSN 2)
- Item 5a and item 5b (Grade, Rate, or Rank) and (Pay Grade) – Sergeant (SGT/E-5) instead of Specialist (SP4/E-4)
- Item 24 (Decorations, Medals, Badges, Commendations, Citation, and Campaign Ribbons Awarded or Authorized) – Combat Infantryman Badge (CIB)

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

- DD Form 149 (Application for Correction of Military Record), 15 March 2023
- Special Orders Number 112, Headquarters (HQ), 25th Infantry Division, 22 April 1969
- letter, HQ, 3d Brigade, 25th Infantry Division, 10 January 1970, with attached undated photo
- undated newspaper story, "SGT. [Applicant] Receives Bronze Star in Vietnam," unattributed
- undated newspaper story, "E-3 [Applicant] Serving in Vietnam," unattributed
- Special Orders Number 40, HQ, 25th Infantry Division, 9 February 1970
- letter, HQ, 25th Infantry Division, 18 February 1970
- DA Form 3522 (Certificate of Appreciation), Commanding General, Vietnam, 26 February 1970
- DD Form 214, 26 February 1970
- undated photo of dog tags

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, in effect:

- a. His SN, SSN, and grade/rank are incorrectly listed on his DD Form 214.
- b. He was awarded the CIB and it is missing from his DD Form 214.
- c. He needs these items corrected for Veterans burial benefits. He does not want any delays or discrepancies when the time comes.
- d. Most of the awards disappeared while they were stored at his parent's home. He would like to order replacements but need the CIB added to his DD Form 214.

3. The applicant provided copies of:

- a. His application with statement outlined above.
- b. Page 1 of Special Orders Number 117, issued by HQ, 25th Infantry Division, awarding him the CIB, and showing his Service Number 1 and SSN 1.
- c. A letter from the Commanding Officer, HQ, 3d Brigade, 25th Infantry Division, dated 10 January 1970, reading in part, his photo was taken with Representative [REDACTED] and referring to his rank/grade as SGT. An attached photo shows the applicant (identified from a photo in his service records) wearing SGT stripes and shaking hands with then Senator [REDACTED].
- d. An unattributed newspaper clipping with the rank SGT and his name in the title; and in the story a reference to his grade as SGT.
- e. A second unattributed newspaper clipping with the pay grade E-3 and his last name in the title; showing his Service Number 1.
- f. Special Orders Number 40, issued by 25th Infantry Division, reassigned him to transfer station, for permanent change of station. These orders show his grade as SP4 crossed out and SGT hand-written over it.
- g. A letter issued by HQ, 25th Infantry Division, subject: Port Call/Out-processing Instructions, 18 February 1970, showing his SSN 1, and his grade as SP4.
- h. A Certificate of Appreciation signed by General [REDACTED], dated 26 February 1970, showing his grade as SGT.

- i. His DD Form 214, dated 26 February 1970.
4. The applicant's service records contain sufficient evidence to support correction of his DD Form 214 without Board action to his SSN, his SN, and certain awards and decorations, and these administrative corrections will be listed in administrative notes below.
  5. The Board will consider his request to show his grade/pay grade as SGT/E-5 and as an additional issue, his authorization for the Army Good Conduct Medal (First Award) for the period 14 March 1968 to 26 February 1970.
  6. A review of the applicant's service records shows:
    - a. He was inducted into the Army of the United States on 14 March 1968. Following completion of Basic Combat Training and Advanced Individual Training, he was awarded military occupational specialty (MOS) 11C (Indirect Fire Crewman).
    - b. Special Orders (SO) Number 102 issued by HQ, USATC, Fort Benning, 27 April 1968, awarded him the Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14).
    - c. Unit Orders Number 52 issued by HQ, 25th Infantry Division, 16 August 1968, promoted him to PFC/E-3. It shows Service Number 1 and SSN 1 (the requested numbers).
    - d. SO Number 233, promoted him to SP4/E-4, effective 7 August 1969 (orders show effective year was 1968 but should read 1969).
    - e. SO Number 236, dated 24 August 1969, awarded him Primary MOS 11C20 with secondary MOS 11B (Light Weapons Infantryman).
    - f. SO Number 15, issued by HQ 25th Infantry Division, awarded him PMOS 11C40 and SMOS 11B40; withdrew P11C20 and S11B20; effective 9 December 1969.
    - g. A DA Form 428 (Application for ID Card), 31 January 1970, shows he was issued a new ID card due to a night ambush when his element moved. His grade was shown as SGT/E-5 however, this grade/pay grade was crossed out and SP4/E-4 was hand-written on the form.
    - h. SO Number 57, issued by U.S. Army Personnel Center, Oakland, CA, dated 26 February 1970, relieved him from active duty, and transferred him to U.S. Army

Reserve Control Group for obligatory 6 year service. His grade/pay grade was shown as SP4/E-4.

i. DA Form 1811 (Physical and Mental Status), dated 26 February 1970; DA Form 664 (Serviceman's Statement Concerning Application for Compensation from the Veterans Administration), dated 26 February 1970; and DA Form 2376 (Notification to State Adjutant General Release from Active Duty of Obligated Reservist), show his grade/pay grade as SGT/E-4.

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

(1) item 31 (Foreign Service) – 28 February 1969 to 16 February 1970.

(2) item 33 (Appointments and Reductions) – no reductions.

(3) item 38 (Record of Assignments) – he received all "excellent" conduct and efficiency ratings during his active service, he was assigned to Company A, 1st Battalion, 27th Infantry, 25th Infantry Division while in Vietnam, and he participated in three campaigns.

(4) item 41 (Awards and Decorations) – he was awarded or authorized:

- National Defense Service Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
- Vietnam Service Medal
- Combat Infantryman Badge
- Army Commendation Medal
- Air Medal
- Bronze Star Medal

g. block 44 (Lost Time Under section 972, Title 10, United States Code, and Subsequent to Normal Date Expiration of Term of Service) – no entries.

h. On 26 February 1970, he was honorably released from active duty. His DD Form 214 shows in:

- item 2 – Service Number 2
- item 3 – SSN 2
- item 5a – SP4
- item 5b – E-4
- item 24:
  - National Defense Service Medal

- Vietnam Service Medal
  - Republic of Vietnam Campaign Medal with Device (1960)
  - Army Commendation Medal
  - Air Medal
  - Bronze Star Medal
- 
- Item 26a (Non-pay Periods time Lost) – none.
  - Item 30 (Remarks) – no record of court-martial convictions.

i. His records are void of orders or a commander's disqualification for award of the Army Good Conduct Medal (First Award) for the period 14 March 1968 to 26 February 1970.

j. His records are void of orders promoting him to SGT/E-5.

7. By regulation, Army Regulation 635-5 (Separations Documents, in item 5a enter grade in which serving at the time of separation, indicating whether permanent or temporary. Example: "MSG (P) [Master Sergeant, Permanent]" or "MSG (T) [Master Sergeant, Temporary]." In item 5-b enter pay grade e.g. "E-8" or "E-4."

8. By regulation (Army Regulation 672-5-1 (Decorations and Awards)), the AGCM was awarded for each 3 years of continuous enlisted active Federal military service, and for the first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more than 1 year. The enlisted person must have had all "excellent" conduct and efficiency ratings. There must have been no convictions by a court-martial.

#### 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 the requested relief was warranted. The Board carefully considered the applicant's contentions, the military record, and applicable regulatory guidance. The Board considered the corrections to his record that will be administratively addressed and took no further action on that part of the request.

2. The Board carefully considered that portion of the request regarding a correction to his record to his grade/pay grade as SGT/E-5. Review of the supporting documentation shows SO Number 233, promoting the applicant to SP4/E-4, effective 7 August 1969 (orders show effective year was 1968 but should read 1969). Outprocessing instructions dated 13 February 1970 show the applicant was scheduled for transport to the 90th Repl Bn and reflects his grade as SP4. Further, Special Orders 57 show the applicant was relieved from active duty on 26 February 1970 and reflect he held the rank of SP4. After due consideration of the applicant's request, the Board determined the evidence

presented does not meet the burden of proof in determining the existence of an error or injustice Based on the documentation available

3. Prior to closing the case, the Board found sufficient evidence to grant an award not otherwise requested. As the applicant's record reflects all "excellent" for conduct and efficiency, in accordance with applicable regulatory guidance, the applicant is eligible for the award of the Army Good Conduct Medal and a correction to his record is warranted.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented sufficient to warrant a recommendation for a portion of the requested relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD214 for the period ending 26 February 1970 showing in:

- a. Item 2 (Service Number) the last three digits as 311
- b. Item 3 (Social Security Number) the last digit as 7
- c. Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons awarded or Authorized) to show:
  - three bronze service stars to his previously issued Vietnam Service Medal
  - Republic of Vietnam Gallantry Cross with Palm Unit Citation
  - Republic of Vietnam Civil Actions Honor Medal First Class
  - Combat Infantryman Badge
  - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
  - Army Good Conduct Medal
- d. Item 30: "Service in Vietnam 28 February 1969 to 26 February 1970."

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 amending his record to show Sergeant (SGT/E-5).



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 service records shows his DD Form 214 should be amended to show in:

- a. Item 2 to show Service Number 1.



- b. Item 3 to show SSN 1.
- c. Item 24 to show award of:
  - three bronze service stars to his previously issued Vietnam Service Medal
  - Republic of Vietnam Gallantry Cross with Palm Unit Citation
  - Republic of Vietnam Civil Actions Honor Medal First Class
  - Combat Infantryman Badge
  - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
- d. Item 30: "Service in Vietnam 28 February 1969 to 26 February 1970."

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 (Army Board for Correction of Military Records) 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. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

3. Army Regulation 635-5 (Separations Documents), in effect at the time, prescribed the separation documents that would be furnished each individual who is separated from the Army. It established standardized procedures for the preparation and distribution of these documents. All available records would be used as a basis for the preparation of the DD Form 214, including DA Form 20, and orders.

a. A DD Form 214 would be furnished at the time of separation to each member of the Regular Army.

. In item 2, enter the individuals service number and authorized prefix.

b. In item 3, transcribe social security number from DA Form 2139) Military Pay Voucher.

c. In item 5a enter grade in which serving at the time of separation, indicating whether permanent or temporary. Example: "MSG (P) [Master Sergeant, Permanent]" or "MSG (T) [Master Sergeant, Temporary]."

d. In item 5b, enter pay grade, e.g. "E-8" or "E-4."

e. In item 24, enter from DA Form 20 all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

4. Army Regulation 672-5-1 (Decorations and Awards), in effect at the time, stated the Army Good Conduct Medal (AGCM) was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940; for the first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; and, for the first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more than 1 year. The enlisted person must have had all "excellent"

conduct and efficiency ratings. Ratings of "unknown" for portions of the period under consideration were not disqualifying. Service school efficiency ratings based upon academic proficiency of at least "good" rendered subsequent to 22 November 1955 were not disqualifying. There must have been no convictions by a court-martial. However, there was no right or entitlement to the medal until the immediate commander made a positive recommendation for its award and until the awarding authority announced the award in general orders.

5. Army Regulation 600-8-22 (Military Awards) prescribes Department of the Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The Army Good Conduct Medal is awarded to on a selective basis to each Soldier who distinguishes himself or herself from among his or her fellow Soldiers by exemplary conduct, efficiency, and fidelity throughout a specified period of continuous enlisted active Federal military service. There is no right or entitlement to the medal until the immediate commander has approved the award and the award has been announced in permanent orders.

(1) The periods of service of qualifying service are: (1) each 3 years completed on or after 27 August 1940; (2) for the first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; (3) for the first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more than 1 year; (4) for the first award only, upon termination of service on or after 27 June 1950 of less than 1 year when final separation was by reason of physical disability incurred in line of duty; or (5) for the first award only, for those individuals who died before completing 1 year of active Federal military service or if the death occurred in the line of duty.

(2) Throughout a qualifying period of service, the enlisted Soldier's character must have been above reproach and must meet all of the following criteria for award of the Army Good Conduct Medal as indicated in the Soldier's record: willingly complied with the demands of the military environment, been loyal and obedient to his or her superiors, faithfully supported the goals of his or her organization and the Army, and conducted himself or herself in an exemplary manner as to distinguish him or her from fellow Soldiers.

b. The Vietnam Service Medal was awarded to all service members of the Armed Forces of the United States for qualifying service in Vietnam after 3 July 1965 through 28 March 1973. Qualifying service included attachment to or assignment for 1 or more days with an organization participating in or directly supporting military operations. One bronze service star is authorized with the Vietnam Service Medal for each campaign during which a member was assigned or attached to and present for duty with a unit during the

period in which it participated in combat or was under orders in the combat zone and served at a normal post of duty.

6. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register (January 1960 – February 1986)), in effect at the time, shows:

- a. 1st Battalion, 27th Infantry Regiment, 25th Infantry Division was awarded the:
  - Republic of Vietnam Gallantry Cross with Palm Unit Citation by DAGO Number 48, 1971, for the period January 1966 to August 1968
  - Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation by DAGO Number 51, 1971, for the period 1 January 1966 to 21 January 1970
- b. He participated in three campaigns:
  - TET 69 Counteroffensive, 23 February 1969 – 8 June 1969
  - Vietnam Summer – Fall I 1969, 9 June 1969 – 31 October 1969
  - Vietnam Winter-Spring 1970, 1 November 1969—30 April 1970

//NOTHING FOLLOWS//