

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 March 2024

DOCKET NUMBER: AR20230007385

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show the Army Commendation Medal (ARCOM).

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Citation/recommendation for the ARCOM

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 that after years requesting and looking for his records, he found the citation/recommendation for the ARCOM at his mother's house. He is now submitting the citation/recommendation for correction of his records for an award rightfully given to him for his service.
3. The applicant enlisted in the Regular Army on 9 February 1970.
4. The applicant's DA Form 20 (Enlisted Qualification Record) shows he served in Vietnam from 10 August 1970 to 17 August 1971. His DA Form 20 does not show the ARCOM in item 41 (Awards and Decorations).
5. The applicant was released from active duty on 21 February 1973. His DD Form 214 shows he was awarded or authorized the following:
  - National Defense Service Medal
  - Vietnam Service Medal with two bronze service stars
  - Republic of Vietnam Campaign Medal

- Sharpshooter Marksmanship Qualification Badge with Rifle Bar

6. The applicant's available records do not contain orders for the ARCOM.

7. A search of the Awards and Decorations Computer-Assisted Retrieval System (ADCARS), an index of general orders issued during the Vietnam era between 1965 and 1973, maintained by the Military Awards Branch of the U.S. Army Human Resources Command, did not find orders for the ARCOM pertaining to the applicant.

8. The applicant provided a citation/recommendation for the ARCOM showing that it appears he was recommended for this award for meritorious service in support of vital military operations against an armed hostile force during the period 20 August 1970 to 9 August 1971.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

2. The Board found the citation/recommendation showing the applicant was recommended for award of the Army Commendation Medal for meritorious service in support of vital military operations against an armed hostile force during the period 20 August 1970 to 9 August 1971 was sufficient to show the applicant's chain of command intended to award him the ARCOM. His should be issued orders, a certificate of award, the medal set if available, and his DD Form 214 should be corrected to add the Army Commendation Medal.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The Board concurs with the corrections addressed in Administrative Note(s) below and the Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- awarding him the Army Commendation Medal for meritorious service in support of vital military operations against an armed hostile force during the period 20 August 1970 to 9 August 1971
- issuing and shipping him the appropriate certificate and medal set
- adding the Army Commendation Medal to block 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized

█

█ █  
\_\_\_\_\_

█  
████████████████████

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): correct his DD Form 214 to add the Republic of Vietnam Gallantry Cross with Palm Unit Citation.

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 600-8-22 (Military Awards) states the ARCOM may be awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.
3. Department of the Army General Orders 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.

//NOTHING FOLLOWS//