

IN THE CASE OF: ██████████

BOARD DATE: 1 February 2024

DOCKET NUMBER: AR20230007651

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

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- DA Form 4980-14 (Army Commendation 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, his leadership in Vietnam awarded him the Army Commendation Medal, but it is not reflected on his DD Form 214. In support of his request, the applicant provides a DA Form 4980-14, which shows, on 25 October 1968, Major General ██████████ awarded him the Army Commendation Medal for meritorious service, during the period October 1967 to October 1968.

3. A review of the applicant's service record reveals the following:

a. On 17 October 1966, the Army of the United States (AUS) inducted the applicant for 2 years. Upon completion of initial entry training and after an assignment to Fort Campbell, KY, orders transferred him to Vietnam, and, on 2 October 1967, he arrived at his new unit of assignment (4th Engineer Battalion, 4th Infantry Division).

b. On 17 September 1968, the applicant completed his tour in Vietnam, and orders reassigned him to the U.S. Army Personnel Center at Fort Lewis, WA, for separation processing.

c. On 18 September 1968, the AUS honorably released the applicant from active duty and transferred him to the U.S. Army Reserve for the remainder of his military service obligation. His DD Form 214 shows he completed 1 year, 11 months, and 2 days of net active duty service.

(1) Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) lists the following:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Marksman Marksmanship Qualification Badge with Rifle Bar
- Two overseas service bars

(2) Item 30 (Remarks) does not show the dates of his Vietnam service.

d. The applicant's DA Form 20 (Enlisted Qualification Record) reflects the following:

(1) Item 33 (Appointments and Reductions): The applicant's leadership progressively promoted him until he attained the rank of specialist five (SP5)/E-5, effective 21 June 1968; no reductions in rank are reflected.

(2) Item 38 (Record of Assignments – Conduct – Efficiency): the applicant received "Excellent" conduct and efficiency ratings throughout his term of active duty service.

(3) Item 41 (Awards and Decorations): the Army Commendation Medal is not listed.

e. The applicant's service record is void of any General Orders awarding the Army Commendation Medal; in addition, there are no courts-martial convictions or other disciplinary actions.

4. A review of the Awards and Decorations Computer-Assisted Retrieval System, an index of general orders issued during the Vietnam era between 1965 and 1973 and maintained by the U.S. Army Human Resources Command Military Awards Branch, failed to reveal any Army Commendation Medal general orders pertaining to the applicant.

5. The applicant is entitled to additional awards not listed on his DD Form 214. The addition of these awards will be administratively corrected. No Board action required.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.
2. The Board found the Army Commendation Medal provided by the applicant sufficient to confirm he received this medal. The Board determined the medal should be added to his DD Form 214.
3. The Board found the applicant met the criteria for the Army Good Conduct Medal (1st Award). The Board determined he should be awarded this medal and it should be added to his DD Form 214.
4. The Board concurred with the corrections described in Administrative Note(s) below.

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

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 Good Conduct Medal (1st Award) for the period 17 October 1966 through 18 September 1968
- Adding to his DD Form 214 the Army Commendation Medal and the Army Good Conduct Medal (1st Award)
- Making the corrections described in Administrative Note(s) below

5/6/2024

X [REDACTED]

CHAIRPERSON
[REDACTED]

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): The applicant's DD Form 214 is missing awards and an administrative entry. Please correct the DD Form 214 by adding to:

- a. Item 24 –
 - four bronze service stars with the Vietnam Service Medal
 - Meritorious Unit Commendation
 - Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation
 - Republic of Vietnam Gallantry Cross with Palm Unit Citation
- b. Item 30 – "Service in Vietnam from 20 September 1967 to 17 September 1968."

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 (Military Awards), currently in effect, prescribes policies and procedures for military awards. It states the Army Commendation Medal is awarded to any Servicemember 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. AR 672-5-1 (Awards), in effect at the time, prescribed policies and procedures for military awards. It stated the Army Good Conduct Medal 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, commanders could award the Army Good Conduct Medal, upon termination of the Soldier's service on or after 27 June 1950, if he or she had served less than 3 years but more than 1 year. Additionally, the Soldier had to have had all "Excellent" conduct and efficiency ratings and no court-martial convictions.

//NOTHING FOLLOWS//