

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 February 2024

DOCKET NUMBER: AR20230007654

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show the award of the Presidential Unit Citation, Valorous Unit Award, and the Republic of Vietnam Gallantry Cross with Palm.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Photo of applicant's uniform with the above-mentioned awards

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, while he was assigned to the 1st Battalion, 508th Infantry Regiment, his command gave him three unit awards for wear on his Class A uniform; however, when the Army released him from active duty, they did not add these awards to his DD Form 214, they only listed his National Defense Service Medal. He has been trying to secure the medals so that he can make a shadow box for his grandchildren and family. The applicant provides a photo displaying the above-mentioned medals on his Class A uniform.

a. Lately he had been reliving some of the events that occurred while he was on active duty. While his friend was dying in Vietnam, they sent his unit to Washington for the 1971 "Mayday Riots"; the kids there cursed and spit at him, shouting things like, "baby killers."

b. The applicant states he was a radio operator and, once while on a night jump, he observed his lieutenant running and jumping into a 30-foot hole; he never saw the lieutenant again. Later, in November 1971, he witnessed his friend's static line break and the reserve fail to open; "I watched my 22-year-old buddy give his life for his country." The trauma he incurred from those experiences has kept him from asking for these medals any sooner.

3. A review of the applicant's service shows the Expert Marksmanship Qualification Badge with Rifle Bar (M-14 and M-16) is not listed on his DD Form 214. This will be addressed through an administrative correction without action by the Board.

4. On 10 June 1970, the Army of the United States (AUS) inducted him for a 2-year term; upon completion of initial entry and airborne training and the award of military occupational specialty 11B (Light Weapons Infantryman), orders assigned him to the 1st Battalion, 508th Infantry Regiment at Fort Bragg, NC (now renamed Fort Liberty). The applicant arrived at his new duty station, on 19 November 1970.

5. His DA Form 20 (Enlisted Qualification Record) does not show any foreign service. However, it does show he received all excellent conduct and efficiency ratings.

6. On 25 January 1972, the AUS honorably released the applicant from active duty and transferred him to the U.S. Army Reserve to serve the remainder of his military service obligation. His DD Form 214 shows he completed 1 year, 7 months, and 15 days of his 2-year AUS term. The form additionally reflects the following:

- Item 22c (Foreign and/or Sea Service) – No foreign service
- Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) – National Defense Service Medal and Parachutist Badge

7. The applicant's records shows he was honorably released from active duty. There is no evidence of any derogatory information, such as a court-martial conviction, or a commander's disqualification that would preclude him from award of the Army Good Conduct Medal (1st Award).

8. Regulatory Guidance provides the wear of the Presidential Unit Citation, Valorous Unit Award, and foreign unit awards were authorized for permanent wear when the Soldier was assigned and present for duty in the unit at any time during the period of the action cited. In all other cases, wear of unit awards was temporary, and had to be removed from the Soldier's uniform upon his/her reassignment.

BOARD DISCUSSION:

1. 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 to add the requested unit awards.

a. The wear of the Presidential Unit Citation, Valorous Unit Award were authorized for permanent wear when the Soldier was assigned and present for duty in the unit at any time during the period of the action cited; in this case the awards would be added to the DD Form 214.

b. In all other cases, to include the applicant's case, wear of unit awards was temporary, and had to be removed from the Soldier's uniform upon his reassignment; temporary unit awards are not listed on the DD Form 214.

2. The Board did find sufficient evidence to award the Applicant the Army Good Conduct Medal (1st Award) for the period 10 June 1970 to 25 January 1973, and to correct his DD Form 214 to add this award.

3. The Board concurs with the Administrative Note(s) below and found sufficient evidence to award the Army Good Conduct Medal (1st Award) for the period.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:            :            :            GRANT FULL RELIEF

█           █           █           GRANT PARTIAL RELIEF

:            :            :            GRANT FORMAL HEARING

:            :            :            DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

In addition to the administrative notes annotated by the Analyst of Record (below the signature), the Board determined the evidence presented is sufficient to warrant a recommendation for partial relief.

1. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

a. awarding him the Army Good Conduct Medal for the period 22 December 1965 to 25 September 1967, and

b. amending his DD Form 214 by adding the Army Good Conduct Medal to item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized).

[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 NOTES: Administratively correct the applicant's DD Form 214 without action by the Board to add the Expert Marksmanship Qualification Badge with Rifle Bar (M-14 and M-16).

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. Army Regulation 672-5-1 (Awards), in effect at the time, stated -

a. the wear of the Presidential Unit Citation, Valorous Unit Award, and foreign unit awards were authorized for permanent wear when the Soldier was assigned and present for duty in the unit at any time during the period of the action cited. In all other cases, wear of unit awards was temporary, and had to be removed from the Soldier's uniform upon his/her reassignment.

b. 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, upon termination of service on or after 27 June 1950 the Army Good Conduct Medal may be award for a period 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. 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.

3. Department of the Army Pamphlet (DA PAM) 672-1 (Unit Citation and Campaign Participation Credit Register), currently in effect, lists unit awards conferred during World War II and the Korean War. Per War Department General Order Number 76, dated 1944, the War Department awarded the 508th Parachute Infantry Regiment the Distinguished Unit Citation (later renamed the Presidential Unit Citation) for valorous actions on the Cotentin Peninsula during the period 6 to 9 June 1944.

4. DA PAM 672-3 (Unit Citation and Campaign Participation Credit Register), currently in effect, provides a list of unit awards authorized during the Vietnam War. The DA PAM shows the following:

a. Department of the Army General Orders (DAGO) Number 43, dated 1970, awarded the 1st Battalion, 508th Infantry the Valorous Unit Award for heroism, between 1 May 1968 and 8 January 1969.

b. DAGO Number 43, dated 1970, awarded the Republic of Vietnam Gallantry Cross with Palm to the 1st Battalion, 508th Infantry for the period 6 October 1968 to 11 November 1969.

//NOTHING FOLLOWS//