

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 April 2024

DOCKET NUMBER: AR20230007934

APPLICANT REQUESTS: to be issued all awards and decorations not listed on his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 14 May 1969

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

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, he would like all awards and decorations not listed on his original DD Form 214.
3. A review of the applicant's service records shows:
 - a. He was inducted into the United States Army on 9 October 1967.
 - b. DA Form 20 (Enlisted Qualification Record) item 41 (Awards and Decorations) show he was awarded/authorized the:
 - National Defense Service Medal
 - Vietnam Campaign Medal
 - Vietnam Service Medal
 - Meritorious Unit Commendation Medal
 - Sharpshooter Rifle M-14
 - c. No other awards or decorations were found in the applicant records that were not listed/annotated on his DA Form 20 or DD Form 214.

d. The applicant was honorably discharged on 14 May 1969, under the provisions of Army Regulation 635-200, Section VII, Chapter 5 with SPN code 411 Overseas Returnee. He served 1 year, 7 months and 6 days of net service during this period.

e. His DD Form 214 shows he was awarded/authorized:

- National Defense Service Medal
- Vietnam Campaign Medal
- Vietnam Service Medal
- Meritorious Unit Commendation Medal
- Sharpshooter Rifle M-14
- Overseas Service Bar (2nd Award)

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

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board determined the applicant's record was absent awards earned for his period of service in the Republic of Vietnam. In addition, during deliberation the Board determined the applicant's service record did not reflect he was awarded the Army Good Conduct Medal (1st award) and his record shows he received "excellent" conduct and efficiency ratings throughout his service for the period of 9 October 1967 to 14 May 1969. Based on this the Board granted to award the Republic of Vietnam Gallantry Cross with Palm Unit Citation and the Army Good Conduct 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 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 amending The applicant's DD Form 214 for the period ending 14 May 1969, by awarding him the

- Republic of Vietnam Gallantry Cross with Palm Unit Citation and
- awarding him the Army Good Conduct Medal (1st Award) for exemplary service from 9 October 1967 to 14 May 1969 and adding the medal to his DD Form 214.

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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.

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, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active-duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214. The instructions stated to list awards and decorations for all periods of service.

//NOTHING FOLLOWS//