

IN THE CASE OF: ██████████

BOARD DATE: 28 March 2024

DOCKET NUMBER: AR20230007998

APPLICANT REQUESTS: Award of the Vietnam Service Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214(Armed Forces of the United States - Report of Transfer or Discharge)

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 served in Thailand in 1965-1966 but his DD Form 214 does not show award of the Vietnam Service Medal.
3. The applicant enlisted in the Regular Army for 3 years on 21 June 1963. He completed training with award of military occupational specialty 62B (Engineer Equipment Repairman). The highest grade he held was E-4.
4. The applicant's DA Form 20 (Enlisted Qualification Record) shows he served in Thailand from 14 August 1965 to 10 June 1966 with Company C, 538th Engineer Battalion.
5. The applicant was honorably released from active duty and transferred to the U.S. Army Reserve Control Group (Reinforcement) on 11 June 1966. His DD Form 214 shows he is credited with 2 years, 11 months, and 21 days of active duty service. His period of foreign service is shown as 10 months and 26 days. His awards are listed as the:
 - Army Good Conduct Medal
 - National Defense Service Medal

- Both the Sharpshooter Qualification Badge and the Expert Qualification Badge with Rifle Bar

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, a majority of the Board found relief is not warranted.
2. A majority of the Board noted that not all Soldiers assigned to duty in Thailand during the applicant's period of service became eligible for the Vietnam Service Medal. Soldiers serving in Thailand could become eligible for this medal if they were serving in direct support of operations in Vietnam and met one or more of four criteria (see References below). A majority of the Board found insufficient evidence to confirm the applicant met the criteria to be eligible for the Vietnam Service Medal and determined his request should be denied.
3. The member in the minority found the applicant met the criteria for the Vietnam Service Medal and determined it should be added to his record.

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

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.

7/24/2024

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.

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 Vietnam Service Medal was awarded to all Servicemembers of the Armed Forces of the United States serving in Vietnam and its contiguous waters or airspace there over, after 3 July 1965 through 28 March 1973. Servicemembers of the Armed Forces of the United States in Thailand, Laos, or Cambodia, or the airspace there over, during the same period and serving in direct support of operations in Vietnam are also eligible for this award. To qualify for award of the VSM an individual must meet one of the following qualifications:

- Be attached to or regularly serve for 1 or more days with an organization participating in or directly supporting military operations.
- Be attached to or regularly serve for 1 or more days aboard a U.S. naval vessel directly supporting military operations.
- Actually participate as a crewmember in one or more aerial flights into airspace above Vietnam and contiguous waters directly supporting military operations.
- Serve on TDY for 30 consecutive days or 60 nonconsecutive days in Vietnam or contiguous areas, except that time limit may be waived for personnel participating in actual combat operations.

//NOTHING FOLLOWS//