

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 March 2024

DOCKET NUMBER: AR20230008448

APPLICANT REQUESTS: Correction of his records to show award of the following awards:

- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Presidential Unit Citation
- Meritorious Unit Commendation
- Expert Qualification Badge with Grenade Bar
- "Honorable Discharge Ribbon"

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 based on his dates of service he earned these medals and citations, as he served the 1st Infantry Division in Germany.
3. A review of the applicant's service record shows he enlisted in the Regular Army for 3 years on 10 August 1970. He completed training with the award of the military occupational specialty 26D (Ground Control Approach Radar Repairer). The highest grade held was E-4.
4. The applicant was discharged on 17 April 1972. His DD Form 214 that was issued at that time shows:

- he was released from active duty to join the Army National Guard
- his last assignment was with Company C, 701st Battalion in Europe
- he had 1 year, 8 months, and 8 day of net active service this period
- he had 8 months and 20 days of foreign service
- his awards are listed as the National Defense Service Medal and the Sharpshooter Qualification Badge with Rifle bar

5. A DA Form 20 (Enlisted Qualification Record) is not of record.

6. The available records are limited and contain no orders or other documentation to show that the applicant served in Vietnam.

7. Army Pamphlet 672-3 (Unit Awards and Citations) provides a listing of all unit awards and citations during the Vietnam era. The Pamphlet shows that no part of the 1st Infantry Division was awarded either the Presidential Unit Citation or the Meritorious Unit Commendation during the period the applicant served.

8. The Honorable Discharge Ribbon is a commentative item. It is not an authorized Military award.

#### BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant's service records are incomplete. The Board noted that according to his DD Form 214, his last unit of assignment was Company E, 701st Maintenance Battalion in Europe.

a. Vietnam Service Medal: Deny. There is no evidence in the service record and the applicant provides none that shows he served in Vietnam.

b. Republic of Vietnam Campaign Medal with Device (1960): Deny. There is no evidence in the service record and the applicant provides none that shows he served in Vietnam for at least 6 months or meets other criteria, such as being wounded in action.

c. Presidential Unit Citation: Deny. There is no evidence, such as general order, issued by an appropriate authority that shows the applicant's unit in Europe was cited for award of the Presidential Unit Citation.

d. Meritorious Unit Commendation Deny. There is no evidence, such as general order, issued by an appropriate authority that shows the applicant's unit in Europe was cited for award of the Meritorious Unit Commendation.

e. Expert Qualification Badge with Grenade Bar: Deny. There is no evidence in the available record and the applicant provides none that shows he qualified with any weapon systems and the degree of such qualification.

f. Honorable Discharge Ribbon: Deny. This is not an authorized Military award.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:            :            :            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.



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 15–185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the Army Board for Correction of Military Records (ABCMR). It states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. The ABCMR is not an investigative body and it will decide cases based on the evidence of record.
3. Army Regulation 635-5 (Separation Documents) prescribes the separation documents that must be prepared for Soldiers on retirement, discharge, release from active duty service, or control of the Active Army. It establishes standardized policy for preparing and distributing the DD Form 214 and states all awards and decorations for all periods of service are to be listed in priority sequence and abbreviations are not to be used.

//NOTHING FOLLOWS//