

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 March 2024

DOCKET NUMBER: AR20230008530

APPLICANT REQUESTS: in effect, correction of his DD form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 31 October 1984 to show award of the Armed Forces Expeditionary Medal (AFEM).

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

- DD Form 149 (Application for Correction of Military Record), 22 May 2023
- DD Form 4 (Enlistment Record - Armed Forces of the U.S.), 10 May 1966
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), 9 May 1966
- letter, Applicant, 16 September 1968
- letter, Officer of Personnel Operations, Department of the Army, 10 October 1968
- Special Orders (SO) Number 304, Headquarters (HQ), U.S. Army Training Center and Fort Leonard Wood, 30 October 1968
- SO Number 31, HQ, 379th Signal Battalion (Support), 12 February 1969
- SO Number 245, HQ 379th Signal Battalion (Support), 25 November 1969
- SO Number 37, HQ, Fort Riley, 17 February 1970
- DD Form 214, 31 October 1984
- letters, National Personnel Records Center (NPRC), 1 January 2004 and 9 June 2004

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, in effect, he would like the AFEM added to his DD Form 214 for the period ending 31 October 1984. The AFEM was authorized and awarded for Vietnam service from March 1962 to April 1963. The medal should have been on his last DD Form 214. He later served in Thailand with another tour in Vietnam from January 1969 to January 1970. He believes it was an administrative error.

3. The applicant provided copies of:

a. Correspondence he sent to the Chief, Signal Assignments Branch, OPD, showing his request for orders to serve with the North Atlantic Treaty Organization (NATO) in Turkey, dated 16 September 1968.

b. A response from the Chief, Office of Personnel Operations (OPS), dated 10 October 1968, acknowledging his first tour in Vietnam ending in April 1963 and advising him he could reapply for an overseas area of his preference once his second tour in Vietnam was completed.

c. Special Orders (SO) Number 304, issued by HQ, U. S. Army Training Center (USATC), Fort Leonard Wood, MO dated 30 October 1968, reassigning him to 55th Signal Company, Vietnam, with an arrival date of not later than 3 February 1969.

d. Special Orders Number 31, issued by HQ, 379th Signal Battalion (Support), amending SO Number 304, and assigning him to 55th Signal Company (Support), Thailand.

e. Special Orders Number 245, reassigning him to a permanent change of station, U.S. Army Special Collection Service, Fort Monmouth, NJ, not later than 10 April 1970.

f. Special Orders Number 12, issued by HQ, 379th Signal Battalion (Support), Thailand, amending SO Number 245 to show an availability date of 26 January 1970.

g. Special Orders Number 37, issued by HQ, Fort Riley, assigning him to 21st Replacement Battalion, Berlin, Germany.

h. A letter to him from the NPRC, dated 1 January 2004, showing in part, he was entitled to the AFEM.

4. A review of the applicant's service records shows:

a. On 2 November 1956, he enlisted in the Regular Army for 3 years, on 1 August 1960, he was honorably discharged in order to reenlist; and on 2 August 1960, he reenlisted while assigned to active duty in Frankfurt, Germany.

b. His DA Form 2-1 shows in item 5 (Oversea Service), in part, he served in Vietnam from 31 March 1962 to 19 April 1963, for 12 months.

c. On 9 May 1966, he was honorably discharged for the purpose of immediate reenlistment. His DD Form 214 for this period shows:

(1) Item 24c (Foreign and/or Sea Service) – 5 years, 4 months, and 18 days.

(2) Item 26 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized), he was awarded the AFEM.

f. On 10 May 1966, he reenlisted while assigned to Allied Land Forces South-Eastern Europe (LANDSOUTHEAST), Izmir, Turkey.

d. Item 5 of his DA Form 2-1 shows, in part, he served in LANDSOUTHEAST, Izmir, Turkey from 29 September 1964 to 7 February 1968, for 40 months.

e. On 27 December 1967, he was honorably discharged in order to accept an appointment as a warrant officer.

f. On 28 December 1967, he was appointed a warrant officer in the Regular Army.

g. Item 5 of his DA Form 2-1 shows, in part, he completed the following oversea service during this period of service:

- Far East Pacific Area, Thailand, 7 February 1969 to 26 January 1970, for 12 months
- U.S. Army Europe, Germany, from 5 April 1970 to 30 May 1973, for 37 months
- Europe, Middle East and Africa, Turkey, from 26 December 1973 to 22 June 1978, for 54 months
- U.S. Army Europe, Germany, from 22 June 1978 to (date illegible)

h. His Officer Record Brief shows, in part, he was awarded the Vietnam Service Medal with five bronze service stars. The AFEM is not listed among the awards he was authorized.

i. On 31 October 1984, he was retired. His DD Form 214 shows in block 13 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized), in part, he was awarded the Vietnam Service Medal with five bronze service stars (should show one silver service star).

m. Other than his deployment to Vietnam, his records contain no evidence of any other deployment to a theater of operations for which the AFEM was authorized; a U.S. military operation, U.S. operation in direct support of the United Nations (UN), or U.S. operation of assistance for friendly foreign nations.

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. By regulation, individuals qualified for the AFEM for reason of service in Vietnam between 1 July 1958 and 3 July 1965 (inclusive) will remain qualified for that medal. Upon request (unit personnel officer) any such individual may be awarded the VSM instead of the AFEM. In such instances, the AFEM will be deleted from the list of authorized medals in personnel records. No person will be entitled to both awards for Vietnam service. Other than his service in Vietnam, his records contain no evidence of any other deployment to a theater of operations for which the AFEM was authorized; a U.S. military operation, U.S. operation in direct support of the United Nations (UN), or U.S. operation of assistance for friendly foreign nations.

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.

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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 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 ABCMR. 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.

3. Army Regulation 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. Paragraph 2–14. Vietnam Service Medal. The VSM was established by Executive Order (EO) 11231, 8 July 1965, as amended by EO 13286, 2 February 2003. It is 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.

b. To qualify for award of the VSM an individual must meet one of the following qualifications:

(1) Be attached to or regularly serve for 1 or more days with an organization participating in or directly supporting military operations.

(2) Be attached to or regularly serve for 1 or more days aboard a U.S. naval vessel directly supporting military operations.

(3) Participate as a crewmember in one or more aerial flights into airspace above Vietnam and contiguous waters directly supporting military operations.

(4) 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.

c. No person will be entitled to more than one award of the VSM.

d. One bronze service star is authorized with the Vietnam Service Medal for each campaign during which a member was assigned or attached to and present for duty with a unit during the period in which it participated in combat or was under orders in the combat zone and served at a normal post of duty. One silver service star is used to denote service during five campaigns.

e. Individuals qualified for the AFEM for reason of service in Vietnam between 1 July 1958 and 3 July 1965 (inclusive) will remain qualified for that medal. Upon request (unit personnel officer) any such individual may be awarded the VSM instead of the AFEM. In such instances, the AFEM will be deleted from the list of authorized medals in personnel records. No person will be entitled to both awards for Vietnam service.

f. The Armed Forces Expeditionary Medal (AFEM) may be awarded to service members of the Armed Forces of the United States who, after 1 July 1958:

(1) Participate, or have participated, as members of the U.S. military units in a U.S. military operation in which service members of any military department participate, in the opinion of the Joint Chiefs of Staff, in significant numbers.

(2) Encounter during such participation foreign-armed opposition, or are otherwise placed, or have been placed, in such position that, in the opinion of the Joint Chiefs of Staff, hostile action by foreign armed forces were imminent even though it did not materialize.

(3) The AFEM may be authorized for the following three categories of operations:

- U.S. military operations
- U.S. operations in direct support of the United Nations (UN)
- U.S. operations of assistance for friendly foreign nations

(4) Service members must be bona fide members of a unit participating in or be engaged in the direct support of the operation for 30 consecutive days in the area of operations (or for the full period when an operation is less than 30 days duration) or for 60 nonconsecutive days provided this support involved entering the area of operations or and meets one or more of the following criteria:

- be engaged in actual combat, or duty, which is equally as hazardous as combat duty, during the operation with armed opposition, regardless of time in the area

- is wounded or injured and requires medical evacuation from the AOE while participating in the operation, regardless of time

//NOTHING FOLLOWS//