

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 February 2024

DOCKET NUMBER: AR20230008774

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) ending on 31 August 1988, to reflect in:

- Item 11 (Primary Specialty Number, Title, and Years and Months in Specialty (Additional Specialty Number and Rates involving Periods of One or More Years)) – removal of military occupational specialty (MOS) 71L (Administrative Specialist)
- Item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized) – delete the Bronze Star Medal (BSM) and replace it with BSM with "V" Device

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

- DD Form 149 (Application for Correction of Military Record)
- Department of Veterans Affairs (VA) letter
- DD Form 214
- Typewritten (not original) version of Headquarters, 1st Brigade, 101st Airborne Division (Airmobile) General Orders (GO) Number 2726, 30 November 1967

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, he would like to have errors on his DD Form 2496 (International Student Academic Report) (sic; apparently referring to his DD Form 214) corrected.

a. Item 11 states he held MOS 71L for 13 years and 6 months; in actuality, 71D (Legal Clerk) was his primary MOS and 71L was his secondary. He additionally questions the time-periods reflected: item 11 shows 14 years and 1 month as a 71D,

and 13 years and 6 months as a 71L; when you add the two periods together, they total 27 years and 7 months, but he only served on active duty for 23 years.

b. Concerning item 13, the BSM should be corrected to show his leadership awarded him the BSM with "V" Device. In support of his request, the applicant supplies a typewritten (not original) version of GO Number 2726, dated 30 November 1967; the GO states the following:

(1) "For heroism in connection with military operations against the hostile force. [Applicant] distinguished himself by exceptionally valorous actions, on 27 October 1967, in the Republic of Vietnam. [Applicant's] platoon became heavily engaged with the security element for an enemy's regimental headquarters. He was wounded in the initial burst of enemy automatic weapons fire but refused to be evacuated."

(2) "[Applicant], with completed disregard for his own safety, crawled forward under the withering hail of hostile fire into the killing zone to a wounded comrade and pulled him to safety."

c. The applicant additionally questions why item 13 shows "Purple Heart (3rd Award)" instead of "Purple Heart (2nd Oak Leaf Cluster)."

(1) (Although Army Regulation (AR) 600-8-22 (Military Awards) shows the use of oak leaf clusters to reflect subsequent awards of the Purple Heart, a DD Form 214 entry showing "Purple Heart (3rd Award)" is not incorrect; both ways of listing awards are authorized).

(2) (Since the inception of TRANSPROC (the Army's automated Military Personnel Transition Port Processing System), DD Forms 214 only indicate multiple awards of the same medal by the number of awards rather than the number of oak leaf clusters).

3. A review of the applicant's service record reveals the following:

a. On 18 July 1966, the applicant enlisted into the Regular Army for 3 years; upon completion of initial entry and airborne training, orders assigned him to Fort Bragg, NC (later renamed Fort Liberty).

b. On 2 July 1967, orders transferred the applicant to Vietnam, and, on 8 July 1967, he arrived at his unit (2nd Battalion, 327th Infantry Regiment). On 27 October 1967, the applicant incurred wounds requiring hospitalization. On 24 February 1968, he sustained wounds again that resulted in his medical evacuation to the continental United States (CONUS); he departed Vietnam, on 13 March 1968, and arrived at the military hospital located at Fort Devens, MA, on 19 March 1968.

c. Following his release from the Fort Devens military hospital, orders assigned him to Fort Bragg, and he arrived at his new unit, on 21 June 1968. On 16 October 1968, the Army honorably discharged the applicant and, on 17 October 1968, he immediately reenlisted for 6 years. His DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) shows he completed 2 years, 2 months, and 29 days of net active duty service. Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) lists the National Defense Service Medal, Vietnam Service Medal, Combat Infantryman Badge, and Parachutist Badge.

d. On 24 June 1970, the applicant returned to Vietnam and orders assigned him to the 75th Ranger Regiment; he completed his second Vietnam tour, on 25 May 1971.

e. On 16 July 1974, the Army honorably discharged the applicant. His DD Form 214 (Report of Separation from Active Duty) shows he completed 5 years and 9 months of net active duty. Item 26 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) reflected the following:

- National Defense Service Medal
- Combat Infantryman Badge
- Master Parachutist Badge
- Army Good Conduct Medal (1st Award)
- Parachutist Badge
- Republic of Vietnam Campaign Medal with Device (1960)
- Bronze Star Medal
- Vietnam Service Medal
- Army Commendation Medal
- Purple Heart
- One overseas service bar
- Two service stripes

f. On 17 July 1974, the applicant immediately reenlisted for 6 years. In or around July 1974, the Army awarded the applicant MOS 71D as his primary MOS; (the applicant's available service record is void of orders announcing the MOS's award). In or around February 1975, the Army awarded the applicant MOS 71L as his secondary; (the applicant's service record is void of orders authorizing this MOS).

g. On 18 April 1980, the applicant immediately reenlisted for 6 years; on 6 March 1986, he immediately reenlisted for 3 years. On 31 August 1988, the Army honorably retired the applicant based on length of service. His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows that, for the period 17 July 1974 through 31 August 1988, he completed 14 years, 1 month, and 14 days of net active duty service, with 7 years, 11 months, and 29 days of prior active service. The report additionally reflected the following:

(1) Item 11: "71D LEGAL CLERK 14 YEARS 01 MONTH//71L ADMINISTRATIVE SPECIALIST 13 YEARS 06 MONTHS//"

(2) Item 13:

- Army Service Ribbon
- Master Parachutist Badge
- Republic of Vietnam Campaign Medal with Device (1960)
- Combat Infantryman Badge
- Bronze Star Medal
- Overseas Service Ribbon
- Army Commendation Medal (3rd Award)
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- National Defense Service Medal
- Purple Heart (3rd Award)
- "Vietnam Campaign Medal (4th Award)"
- Noncommissioned Officer Professional Development Ribbon
- Army Good Conduct Medal (7th Award)
- Meritorious Service Medal

4. A review of the Awards and Decorations Computer-Assisted Retrieval System, an index of general orders issued during the Vietnam era between 1965 and 1973 and maintained by the U.S. Army Human Resources Command Military Awards Branch, failed to reveal any general orders awarding the applicant the BSM with "V" Device.

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.

a. The applicant was awarded the Bronze Star Medal as reflected on his DD Form 214 ending on 16 July 1974. There is no evidence in the record and the applicant provides insufficient evidence to show this award was awarded with a V Device for heroism. If the applicant can provide a copy of the official orders that awarded him the Bronze Star Medal with V Device, or a copy of the original recommendation for such award, he may reapply to this Board for reconsideration.

b. Prior to October 1979, the Army issued a separate DD Form 214 for each period of service. The DD Form 214 being contested by the applicant is for the period 17 July 1974 to 31 August 1988, a period of 14 years and 1 month. During this period, the applicant held primary MOS 71D for 14 years and 1 month. He was awarded secondary MOS 71L in or around February 1975. He simultaneously (at the same time) held

secondary MOS for 13 years and 6 months. A Soldier may hold more than one MOS at the same time. His DD Form 214 correctly listed his primary and secondary specialties. Therefore, the Board found no error or injustice.

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:

Except for the correction addressed in Administrative Note(s) below, the Board found 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.

ADMINISTRATIVE NOTE(S):

1. AR 635-5 (Separation Documents), in effect at the time, stated the DD Form 214 was to list all decorations, service medals, campaign credits, and badges awarded or authorized.

2. AR 600-8-22, currently in effect, states the Vietnam Service Medal is awarded to all members of the Armed Forces of the United States based on their qualifying service in Vietnam after 3 July 1965 through 28 March 1973. No person will be entitled to more than one award of the Vietnam Service Medal. A bronze service star will be awarded for wear on the Vietnam Service Medal for the Soldier's participation in each recognized campaign; Vietnam campaigns include the following:

- Counteroffensive, Phase III (1 June 1967 to 29 January 1968)
- Tet Counteroffensive (30 January 1968 to 1 April 1968)
- Sanctuary Counteroffensive (1 May 1970 to 30 June 1970)
- Counteroffensive, Phase VII (1 July 1970 to 30 June 1971)

3. Department of the Army Pamphlet (DA PAM) 672-3 (Unit Citation and Campaign Participation Credit Register) shows Department of the Army General Order (DAGO) Number 48, dated 1971, awarded the 2nd Battalion, 327th Infantry the Republic of Vietnam Civil Actions Honor Medal, First Class for the period 18 March 1968 to 2 May 1970.

4. Based on the foregoing, amend the applicant's DD Form 214, ending 31 August 1988, as follows: delete Vietnam Service Medal (4th Award) and the Combat Infantry Badge and add the following:

- Vietnam Service Medal with four bronze service stars
- Combat Infantryman Badge
- Republic of Vietnam Civil Actions Honor Medal, First Class Unit Citation

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. AR 635-8 (Separation Processing and Documents), currently in effect, states:

a. The DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of retirement or discharge. Additionally, it is a document that civilian agencies and employers often use in making employment decisions and/or benefits authorizations.

b. Concerning entries in item 11, DD Form 214 preparers are instructed to list all MOS awarded to the Soldier during the period of the report, and which were held for at least 1 year. The periods reflected can run concurrently, and the intent is to provide potential employers with a record of the Soldier's military-acquired job skills.

3. AR 15-185 (ABCMR), currently in effect, states:

a. The ABCMR decides cases on the evidence of record; it is not an investigative body. Additionally, the ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary).

b. The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.

//NOTHING FOLLOWS//