

IN THE CASE OF: ██████████

BOARD DATE: 22 February 2024

DOCKET NUMBER: AR20230008795

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), to show his already awarded Army Commendation Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4980-14 (Army Commendation Medal Certificate)

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, his leadership in Vietnam awarded him the Army Commendation Medal, but it is not added to his DD Form 214. In support of his request, the applicant provides a DA Form 4980-14, which shows on 21 December 1969, Brigadier General ██████████ awarded him the Army Commendation Medal for meritorious service during the period February 1969 to January 1970.

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

a. On 10 April 1967, the applicant enlisted into the Regular Army for 3 years. Following the completion of initial entry training, the award of military occupational specialty 52B (Power Plant Operator), and an initial assignment to Germany, orders transferred the applicant to Vietnam, and he arrived at the 48th Aviation Company, on 10 February 1969.

b. On 31 January 1970, the applicant completed his Vietnam tour, and orders reassigned him to Fort Lewis, WA for separation processing. On 1 February 1970, the

Army honorably released the applicant from active duty and transferred him to the U.S. Army Reserve. His DD Form 214 shows he completed 2 years, 9 months, and 22 days of his 3-year enlistment contract.

(1) Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) lists the National Defense Service Medal, Vietnam Service Medal, Republic of Vietnam Campaign Medal with Device (1960), two marksmanship qualification badges, and two overseas service bars.

(2) Item 30 (Remarks) does not show the dates of the applicant's Vietnam service.

c. The applicant's available service record reflects the following:

(1) DA Form 20 (Enlisted Qualification Record), item 41 (Awards and Decorations): the Army Commendation Medal is not listed.

(2) The applicant's service record is void of any General Orders awarding the Army Commendation 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 Army Commendation Medal general orders pertaining to the applicant.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Although official orders were unavailable, the Board found the award certificate sufficient to show an error was present warranting the addition of a previously awarded ARCOM to the applicant's DD 214.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

█	█	█	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending the applicant's DD Form 214 by adding the Army Commendation Medal.
2. Prior to closing the case, the Board noted the administrative notes below from the analyst of record and recommended those changes also be added to more accurately reflect the military service of the applicant.

5/15/2024

X █

 CHAIRPERSON
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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. Army Regulation (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. Additionally, change 11, effective January 1970, required the DD Form 214 to show a separating Soldier's Vietnam service in remarks.
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. 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 VI (2 November 1968 to 22 February 1969)
- Tet 69/Counteroffensive (23 February 1969 to 8 June 1969)
- Summer-Fall 1969 (9 June 1969 to 31 October 1969)
- Winter-Spring 1970 (1 November 1969 to 30 April 1970)

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 8, dated 1974, awarded all units that served in Vietnam the Republic of Vietnam Gallantry Cross with Palm Unit Citation.

4. Based on the foregoing, amend the applicant's DD Form 214, ending 1 February 1970 by deleting the Vietnam Service Medal and showing the following corrections:

a. Item 24:

- Vietnam Service Medal with four bronze service stars
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

b. Item 30: "Service in Vietnam from 31 January 1969 to 31 January 1970."

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 600-8-22 (Military Awards), currently in effect, prescribes policies and procedures for military awards. It states the Army Commendation Medal may be awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

//NOTHING FOLLOWS//