

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 12 March 2024

DOCKET NUMBER: AR20230008857

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show his foreign service in Vietnam.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, for the period ending 16 January 1970

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 cannot get an agent orange test because his DD Form 214 does not show that he was out of the country. He went to Vietnam in June of 1968, but he is unsure of the day. The applicant identified other mental health as an issue/concern related to his request.
3. The Board will consider the applicants request for his foreign service in Vietnam and as a separate and related item the Army Good Conduct Medal.
4. On 17 January 1968, the applicant was inducted into the Army of the United States. He held military occupational specialty 64B, Heavy Vehicle Driver. His DA Form 20 (Enlisted Qualification Record) shows in:
 - a. Item 31 (Foreign Service): service in Vietnam from 27 June 1968, the end date is not legible, and there is a line crossing out the entry.
 - b. Item 35 (Record of Assignments): shows in part:
 - he was enroute to U.S. Army Pacific on 24 May 1968

- he was assigned to Company B, 2nd Battalion, 16th Infantry, 1st Infantry Division, Vietnam, from 6 July 1968 to 8 July 1968; and
 - he also received "excellent" conduct and efficiency ratings
- c. Item 9 (Awards, Decorations and Campaigns) –
- National Defense Service Medal
 - Vietnam Service Medal
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar
5. On 16 January 1970, he was honorably released from active duty. His DD Form 214 shows he completed 2 years of active service. It also shows in:
- a. Item 22c (Foreign Service): "NONE".
- b. Item 24 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized):
- National Defense Service Medal
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
 - Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
 - Marksman Marksmanship Qualification Badge with Pistol Bar (.45)
- c. Item 30 (Remarks): no entry for service in Vietnam or deployment.
6. On 16 March 2004, a DD Form 215 (Correction to DD Form 214) was issued and added in item 22c: 13 days of foreign service.
7. His records are void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal for the period 17 January 1968 through 16 January 1970.
8. The applicant's DA Form 20 lists award of the Vietnam Service Medal. Army Regulation 600-8-22 (Military Awards) states the Vietnam Service Medal is awarded to all members of the Armed Forces of the United States for qualifying service in Vietnam after 3 July 1965 through 28 March 1973. Qualifying service included attachment to or assignment for 1 or more days with an organization participating in or directly supporting military operations.
9. By regulation (AR 672-5-1), the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service, and for the first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more

than 1 year. The enlisted person must have had all "excellent" conduct and efficiency ratings. There must have been no convictions by a court-martial.

10. By regulation, the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. The specific instructions for:

- Item 22c: enter the amount of service performed outside the continental U.S. during the period covered in item 12c (Net Active Service This Period) to include deployments. Additionally list periods of deployed service in block 18 (Remarks)
- Item 24: enter from DA Form 20, all decorations, service medals, campaign credits and badges awarded or authorized
- Item 30: indicate Indochina and Korea service on or after August 1964 by entering inclusive dates of service for Vietnam and indicating "yes" or "no" for service in Indochina and Korea

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. The available evidence (DA Form 20) shows the applicant's service in Vietnam began on 27 June 1968. The end date is not legible, and there is a line crossing out the entry. His DA Form 20 also shows, while in Vietnam, he was assigned to Company B, 2nd Battalion, 16th Infantry, 1st Infantry Division, Vietnam, from 6 July 1968 to 8 July 1968, and he departed Vietnam on 9 July 1968 enroute to Fort MacArthur, CA. It appears he served in Vietnam from 27 June 1968 to 8 July 1968. He was awarded the Vietnam Service Medal and he was issued a DD Form 215 crediting him with 13 days of foreign service. The Board determined there is sufficient evidence to list his service in Vietnam from 27 June 1968 to 8 July 1968 on his DD Form 214.

b. The evidence shows the applicant served on active duty from 17 January 1968 to 16 January 1970, completing 2 years of continuous active service. His conduct and efficiency ratings were excellent, and there is no derogatory information on file to disqualify him from receiving the first award of the Army Good Conduct Medal.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- awarding him the Army Good Conduct Medal (1st Award) for service during the period 17 January 1968 through 16 January 1970
- amending his DD Form 214 as follows:
 - Block 24, adding to award of the Army Good Conduct Medal (1st Award)
 - Block 39, add to the Remarks Block Service in Vietnam 27 June 1968 to 8 July 1968

█

█ █

█

█

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 635-5 (Separation Documents), in effect at the time, states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. The specific instructions for:

- Item 22c, enter the amount of service performed outside the continental U.S. during the period covered by the DD Form 214
- Item 24, enter from DA Form 20, all decorations, service medals, campaign credits and badges awarded or authorized
- Item 30, Indicate Indochina and Korea service on or after August 1964 by entering inclusive dates of service for Vietnam and indicating "yes" or "no" for service in Indochina and Korea

3. Army Regulation 672-5-1 (Awards), in effect at the time, stated the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940; for first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; and, for the first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more than 1 year. The enlisted person must have had all "excellent" conduct and efficiency ratings. Ratings of "Unknown" for portions of the period under consideration were not disqualifying. Service school efficiency ratings based upon academic proficiency of at least "Good" rendered subsequent to 22 November 1955 were not disqualifying. There must have been no convictions by a court-martial. However, there was no right or entitlement to the medal until immediate commander made a positive recommendation for its award and until the awarding authority announced the award in general orders.

//NOTHING FOLLOWS//