

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 March 2024

DOCKET NUMBER: AR20230009474

APPLICANT REQUESTS:

- a. Correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show the award of the Valorous Unit Award and the Republic of Vietnam Gallantry Cross with Palm Unit Citation.
- b. Award of the Army Good Conduct Medal and its addition to his DD Form 214.

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

- DD Form 149 (Application for Correction of Military Record)
- Headquarters, 196th Infantry Brigade memorandum
- DD Form 214

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 above-mentioned awards added to his DD Form 214 so that it more completely reflects his service.
3. The applicant's requested relief for adding the Valorous Unit Award and the Republic of Vietnam Gallantry Cross with Palm Unit Citation to his DD Form 214 are supported by sufficient evidence; as a result, this portion of the requested relief will be addressed in the "ADMINISTRATIVE NOTE(S)" section and will not be further considered by the Board.
4. A review of the applicant's service record reveals the following:

a. On 13 February 1968, the Army of the United States (AUS) inducted the applicant for a 2-year term of active duty. Upon completion of initial entry training and the award of military occupational specialty 11B (Light Weapons Infantryman), orders transferred him to Vietnam and further assigned him to the 3rd Battalion, 21st Infantry Regiment, 196th Infantry Brigade; he arrived at his unit, on 1 September 1968.

b. On 12 August 1969, the applicant completed his tour in Vietnam and orders reassigned him to an infantry battalion at Fort Carson, CO.

c. On 12 February 1970, the AUS honorably released the applicant from active duty and transferred him to the U.S. Army Reserve. His DD Form 214 shows he completed his 2-year term of active-duty service; item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) lists the following:

- Purple Heart
- National Defense Service Medal
- Vietnam Service Medal with two bronze service stars
- Combat Infantryman Badge (1st Award)
- Republic of Vietnam Campaign Medal with Device (1960)

c. A review of the applicant's available service record reveals no derogatory information; in addition, DA Form 20 (Enlisted Qualification Record) reflects the following:

- Item 33 (Appointments and Reductions) – applicant's leadership progressively promoted him, and he attained the rank/grade of specialist four (SP4/E-4); no entries show a reduction in rank
- Item 38 (Record of Assignments – Conduct/Efficiency) – the applicant received "Excellent" rating throughout his term of active duty

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board determined there is sufficient evidence to show the applicant was eligible for award of the Army Good Conduct Medal (1st Award). The Board found the applicant's records show he received "excellent" conduct and efficiency ratings throughout his service for the period of 13 February 1968 to 12 February 1970. Based on this the Board granted relief to award of the Army Good Conduct Medal.

2. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

In addition to the administrative notes annotated by the Analyst of Record (below the signature), 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 awarding him the Army Good Conduct Medal (1st Award) for exemplary service from 13 February 1968 to 12 February 1970 and adding the medal to his DD Form 214 for the period ending 12 February 1970

4/8/2024

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. 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. 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 V (1 July 1968 to 1 November 1968)
- 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)

3. Department of the Army Pamphlet (DA PAM) 672-3 (Unit Citation and Campaign Participation Credit Register) shows:

a. Department of the Army General Order (DAGO) Number 43, 1972, awarded the 3rd Battalion, 21st Infantry Regiment the Valorous Unit Award for the period 13 May to 17 June 1969.

b. DAGO Number 6, 1974, awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation to the 3rd Battalion, 21st Infantry Regiment for the period 16 April to 28 August 1969.

4. Based on the foregoing, amend the applicant's DD Form 214, ending 12 February 1970, by deleting the Vietnam Service Medal with two bronze service stars and adding

- Vietnam Service Medal with four bronze service stars
- Valorous Unit Award
- Republic of Vietnam Gallantry Cross with Palm 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 672-5-1, in effect at the time, prescribed policies and procedures for military awards; it 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 the first award only, commanders could award the Army Good Conduct Medal, upon termination of the Soldier's service on or after 27 June 1950, if he or she had served less than 3 years but more than 1 year. Additionally, the Soldier had to have had all "Excellent" conduct and efficiency ratings and no court-martial convictions.

//NOTHING FOLLOWS//