

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 April 2024

DOCKET NUMBER: AR20230009544

APPLICANT REQUESTS:

- a. award of the Army Good Conduct Medal (1st Award) and
- b. correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 28 April 1966 to show award of the:
 - Army Good Conduct Medal (1st Award)
 - National Defense Service Medal
 - Republic of Vietnam Campaign Medal with Device (1960)
 - Republic of Vietnam Gallantry Cross with Palm Unit Citation
 - Expert Marksmanship Qualification Badge with Rifle Bar (M-1)
 - Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
 - Expert Marksmanship Qualification Badge with Machine Gun Bar (M-60)
 - any other authorized awards

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- Self-authored Statement, 29 May 2023
- Headquarters, 65th Engineer Battalion (Infantry Division), Memorandum (Letter of Appreciation), 28 September 1964
- Republic of Vietnam Ministry of Defense, Republic of Vietnam Armed Forces – High Command, General Orders 612, 7 December 1965, with allied documents
- Headquarters, Fort Monroe, Letter, 24 May 1967
- DD Form 214
- Department of Veterans Affairs Summary of Benefits, 16 March 2023

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 was in the field in Vietnam when he received notification of his discharge orders. He was flown back to their base camp in Biên Hòa where he was given his separation paperwork. There was no one in the clerk's office, as they were all in the field. He was discharged in Oakland, CA, where no one reviewed his DD Form 214. He was too anxious to get home to review his DD Form 214.

3. The applicant enlisted in the Regular Army on 5 February 1963.

4. Headquarters, 1st Training Regiment, U.S. Army Training Center, Fort Gordon, GA, Special Orders Number 32, 20 March 1963, awarded him the Marksman Marksmanship Qualification Badge with Rifle Bar (M-1).

5. Headquarters, 25th Infantry Division, Special Orders Number 135, 7 June 1965, awarded him the Marksman Marksmanship Qualification Badge with Rifle Bar (M-14).

6. Headquarters, 25th Infantry Division, Special Orders Number 174, 22 July 1965, awarding him the Driver and Mechanic Badge with Driver-W Bar.

7. Republic of Vietnam Ministry of Defense, Republic of Vietnam Armed Forces – High Command, General Orders 612, 7 December 1965, with allied documents, awarded the 145th U.S. Aviation Battalion, which his unit was tasked under, the Republic of Vietnam Gallantry Cross with Palm Unit Citation by the Government of Vietnam.

8. Headquarters, 173d Airborne Brigade (Separate), Special Orders Number 75, 16 March 1966, awarding him the Aircraft Crewman Badge; and

9. Headquarters, 173d Airborne Brigade (Separate), General Orders Number 274, 17 August 1966, awarding him the:

- Air Medal for the period 8 January 1966 to 23 January 1966
- Air Medal (1st Oak Leaf Cluster) for the period 24 January 1966 to 11 February 1966
- Air Medal (2nd Oak Leaf Cluster) for the period 12 February 1966 to 26 February 1966
- Air Medal (3rd Oak Leaf Cluster) for the period 26 February 1966 to 16 March 1966
- Air Medal (4th Oak Leaf Cluster) for the period 17 March 1966 to 10 April 1966

10. His DA Form 20 (Enlisted Qualification Record) shows in:

a. item 29 (Qualification in Arms), he was awarded the Marksman Marksmanship Qualification Badge with Rifle Bar (M-14);

b. item 31 (Foreign Service), he received overseas tour credit for service in Vietnam from 25 September 1965 through 25 April 1966 (a 7-month period);

c. item 38 (Record of Assignments), he was assigned to Company A, 82d Aviation Battalion, Vietnam, in duty military occupational specialty (MOS) 11B2O and 11B4O (Light Weapons Infantryman) from 6 September 1965 through 24 April 1966. He received all "Excellent" conduct and efficiency ratings throughout his service; and

d. item 41 (Awards and Decorations), he was awarded or authorized the:

- Air Medal with 1st Oak Leaf Cluster
- Vietnam Service Medal
- Aircraft Crewman Badge

11. He participated in the following campaigns during his service in Vietnam:

- Vietnam Defense Campaign – 8 March 1965-24 December 1965
- Vietnam Counteroffensive – 25 December 1965-30 June 1966

12. His service records do not contain orders awarding him the Army Good Conduct Medal (1st Award). His records are also void of any derogatory or adverse information or a disqualification statement from his commander that would have precluded award of the Army Good Conduct Medal (1st Award).

13. His service records do not contain orders awarding him any Expert Marksmanship Qualification Badges.

14. He was honorably released from active duty on 28 April 1966 and transferred to the U.S. Army Reserve Control Group (Reinforcement). He completed 3 years, 2 months, and 24 days of total active service during this period. His DD Form 214 shows in:

- item 25a (Specialty Number and Title) – 11B4O (Light Weapons Infantryman)
- item 26 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) –
 - Air Medal with 1st Oak Leaf Cluster
 - Vietnam Service Medal
 - Aircraft Crewman Badge

15. He provided the following documents for consideration:

a. the Headquarters, 65th Engineer Battalion (Infantry Division), memorandum (Letter of Appreciation), 28 September 1964, informing him he was selected as a volunteer to participate in a new training program as member of the New Life Engineer Assistance Team, preparing for deployment to Vietnam;

b. the Headquarters, Fort Monroe, letter, 24 May 1967, informing him he was awarded the Air Medal and it would be presented to him at a ceremony; and

c. the Department of Veterans Affairs Summary of Benefits letter, 16 March 2023, noting his honorable Army service for the period of 5 February 1963 through 28 April 1966 and awarding him 100-percent service-connected disability.

BOARD DISCUSSION:

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

2. The Board the evidence or record insufficient to justify correcting the applicant's DD Form 214 to add the Expert Marksmanship Qualification Badge with Rifle Bar (M-1), Expert Marksmanship Qualification Badge with Rifle Bar (M-14), or Expert Marksmanship Qualification Badge with Machine Gun Bar (M-60), as there is no evidence he qualified at the expert level.

3. The Board found sufficient evidence to justify awarding the applicant the Army Good Conduct Medal (1st Award) for the period 5 February 1963 to 28 April 1966; his records are void of any derogatory or adverse information or a disqualification statement precluding award of the Army Good Conduct Medal (1st Award), and he was honorably released from Active duty.

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 concurs with the corrections addressed in Administrative Note(s) below and the Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

a. awarding him the Army Good Conduct Medal (1st Award) for the period 5 February 1963 to 28 April 1966, and

b. adding the Army Good Conduct Medal (1st Award) to item 26 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge).

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to the Expert Marksmanship Qualification Badge with Rifle Bar (M-1), Expert Marksmanship Qualification Badge with Rifle Bar (M-14), or Expert Marksmanship Qualification Badge with Machine Gun Bar (M-60).

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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): The applicant is authorized administrative correction of his DD Form 214 for the period ending 28 April 1966 to show the following awards without Board action:

- Air Medal with Numeral 5
- National Defense Service Medal
- Vietnam Service Medal with two bronze service stars
- Republic of Vietnam Campaign Medal with Device (1960)
- Meritorious Unit Commendation
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Aircraft Crewman Badge
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-1)
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-14)
- Driver and Mechanic Badge with Driver-W Bar

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 672-5-1 (Awards), 3 May 1961, 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, 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 and there must have been no convictions by a court-martial. Recommendation by the individual's immediate unit commander was required for award of the Army Good Conduct Medal by the approving authority. Such commander's recommendation would be based on his/her personal knowledge and on the individual's official records for periods of service under prior commanders during the period for which the award was to be made. The lack of official disqualifying comment by such previous commanders qualifies the use of such periods toward the award by the current commander.

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

a. The Air Medal is awarded to any person who, while serving in any capacity in or with the Armed Forces of the United States, has distinguished themselves by

meritorious achievement while participating in aerial flight. Numerals, starting with 2, will be used to denote second and subsequent awards of the Air Medal.

b. The National Defense Service Medal is awarded for honorable active service for any period between 27 July 1950 and 27 July 1954 (Korea), 1 January 1961 and 14 August 1974 (Vietnam), 2 August 1990 and 30 November 1995 (Persian Gulf), and 11 September 2001 and 30 December 2022 (Global War on Terrorism).

c. The Vietnam Service Medal was awarded to all service members 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. A bronze service star is authorized with this award for each Vietnam campaign a member is credited with participating in. Table B-1 shows that during the applicant's service in Vietnam, campaign participation credit was awarded for the following campaigns:

- Vietnam Defense Campaign – 8 March 1965-24 December 1965
- Vietnam Counteroffensive – 25 December 1965-30 June 1966

d. The Republic of Vietnam Campaign Medal with Device (1960) was awarded by the Government of Vietnam to all members of the Armed Forces of the United States for qualifying service in Vietnam during the period 1 March 1961 through 28 March 1973. Qualifying service included assignment in Vietnam for 6 months or more.

4. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register), 29 January 1988, listed the awards received by units serving in Vietnam. This pamphlet shows Company A, 82d Aviation Battalion, was awarded the Meritorious Unit Commendation in Department of the Army General Orders Number 17, 1968.

//NOTHING FOLLOWS//