

IN THE CASE OF: ██████████

BOARD DATE: 10 April 2024

DOCKET NUMBER: AR20230009736

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 21 July 1970, to show he was awarded the Army Commendation Medal (ARCOM).

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

- DD Form 149 (Application for Correction of Military Record), dated 30 May 2023
- DD Form 214, for the period ending 21 July 1970
- ARCOM Certificate, dated 7 May 1969
- Picture

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, in effect, that he wants to have the ARCOM added to his DD Form 214 for the period ending 21 July 1970.
3. The applicant's service record is incomplete. However, the applicant's service record does reflect the following:
 - a. His DD Form 4 (Enlistment Record-Armed Forces of the United States) shows he enlisted on 22 July 1966, in the Regular Army.
 - b. His DA Form 20 (Enlisted Qualification Record) shows in item 41 (Awards and Decorations):
 - National Defense Service Medal (NDSM)
 - Vietnam Service Medal (VSM)
 - The Republic of Vietnam Campaign Medal (RVNCOM) with device

- The Army Overseas Ribbon (OSR) 2nd award
- The Army Good Conduct Medal (AGCM)
- The Republic of Vietnam Cross of Gallantry with Palm Unit Citation

c. On 21 July 1970 the applicant's DD Form 214 reflects he was honorably released from active duty and transferred to the United States Army Reserve control group (standby). He completed four years of net service during this period. This document does not reflect the ARCOM. However, it does reflect the following information in item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaigns): VSM with four bronze service stars, RVNCOM, Republic of Vietnam Cross of Gallantry with Palm Unit Citation, NDSM, AGCM, Expert (Rifle M-14), Marksman (Rifle M-16).

d. His service record does not reflect orders that show he was recommended for and/or awarded the ARCOM during any time during his military service. However, the applicant does provide a copy of the ARCOM certificate without an order number, dated 7 May 1969.

e. 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 maintained by the U.S. Army Human Resources Command Military Awards Branch, failed to reveal any orders of an ARCOM pertaining to the applicant.

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 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 was sufficient evidence to show the applicant was awarded the Army Commendation Medal (ARCOM) for meritorious service while serving in the Republic of Vietnam from May 1968 to May 1969. Based on this, the Board granted relief to correct the applicant's record to reflect he was awarded the Army Commendation Medal (ARCOM).

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 Army records of the individual concerned be corrected by amending her DD Form 214 for the period ending 21 July 1970 to show award of the Army Commendation Medal.

4/11/2024

X

█

CHAIRPERSON

█

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 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards. Chapter 3-19, The ARCOM is awarded to any service 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. Award may be made to a member of the armed forces of a friendly foreign nation who, after 1 June 1962, distinguishes himself or herself by an act of heroism, extraordinary achievement, or meritorious service, which has been of mutual benefit to a friendly nation and the United States. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

3. Army Regulation 635-5 (Separation Documents) in effect at the time, states that the DD Form 214 will reflect the conditions and circumstances that existed at the time the records were created. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form be complete and accurate and reflects the conditions as they existed at the time of separation.

4. Army Regulation 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//