

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 March 2024

DOCKET NUMBER: AR20230010112

APPLICANT REQUESTS:

a. reconsideration of a previous request to correct item 9 (Date of Birth (DOB)) of the former service member's (FSM) DD Form 214 (Armed Forces of the United States Report or Transfer of Discharge) to show the requested DOB as reflected on the FSM certificate of birth instead of the contested DOB currently reflected.

b. correction of the FSM's DD Form 214 in item 8 (Place of Birth) to show the requested place of birth listed on his certificate of birth instead of the contested place of birth currently listed.

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 6 December 1967
- Certificate of Live Birth, [REDACTED]
- Marriage License, [REDACTED]
- Death Certificate, [REDACTED]

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the FSM's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20190013967 on 22 February 2021.

2. The applicant states the initial discharge process was incorrect and the discharge location. The Veteran's Affairs office has corrected the information internally; however, the DD Form 214 needs to be corrected.

3. A review of the FSM's service record shows:

a. The applicant was inducted into the Army of the United States on 7 December 1965.

b. None of the documents in the FSM's military record reflect the requested DOB or the requested place of birth. The documents include:

- DD Form 47 (Record of Induction)
- DD Form 398 (Statement of Personal History)
- DA Form 428 (Application for Identification Card)
- DA Form 20 (Enlisted Qualification Record)
- DD Form 214, for the period ending 6 December 1967

c. The applicant served in the Republic of Vietnam from 25 August 1966 to 18 August 1967.

d. On 6 December 1967, the applicant was honorably discharged. His DD Form 214 shows:

- he completed 2 years of active service
- he was awarded or authorized the National Defense Service Medal, Vietnam Service Medal with two bronze service stars, Republic of Vietnam (RVN) Campaign Medal with Device (1960), one overseas service bar, Markman Marksmanship Qualification Badge with Rifle Bar (M-14)

4. The applicant petitioned the ABCMR for correction of his DD Form 214 to show his DOB as that listed on his certificate of live birth and to show the Republic of Vietnam Campaign Medal with Device (1960). The ABCMR considered his request on 22 February 2021, a review of his record shows the RVN Campaign Medal with Device (1960) is correctly stated on his DD Form 214. However, the ABCMR considered his DOB request, determined the evidence presented did not demonstrate the existence of a probable error or injustice, and denied his request for relief.

5. The applicant provides a copy of the FSM's live birth certificate and death certificate, which shows the requested DOB. The FSM's live birth certificate shows his requested city/town place of birth.

6. By regulation, the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. The DD Form 214 is a historical document that should reflect the record as it existed at the time the DD Form 214 was created.

BOARD DISCUSSION:

1. The applicant's contentions, the military record, and regulatory guidance were carefully considered. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted.
2. The evidence of record show the applicant's DOB and place of birth were incorrectly entered on the FSM's DD Form 214; this form should be corrected to display the correct information.
3. The FSM's record did not contain any indication that his was disqualified for the first award of the Army Good Conduct Medal by his commander for any reason and he was honorably released from his period of service. As such, he meets the criteria for award of the Army Good Conduct Medal (1st Award) for the period 7 December 1965 to 6 December 1967.

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:

- a. correcting item 9 (Date of Birth (DOB)) of the FSM's DD Form 214 (Armed Forces of the United States Report or Transfer of Discharge) ending 6 December 1967 to show the requested DOB as reflected on the FSM certificate of birth.
- b. correcting item 8 (Place of Birth) of the FSM's DD Form 214 ending 6 December 1967 to show the requested place of birth listed on his certificate of birth.
- c. awarding him the Army Good Conduct Medal (1st Award) for the period 7 December 1965 to 7 December 1965.
- d. correcting item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaigns Awarded or Authorized) to add the Army Good Conduct Medal (1st Award).

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, United States 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 (Personnel Separation – Separation Documents) prescribes policy and procedural guidance relating to transition management. It consolidates the policies, principles of support, and standards of service regarding processing personnel for transition. Section III (Instructions for Preparation and Distribution of the Armed Forces of the United States Report of Transfer or Discharge (DD Form 214)), provides detailed instructions for data required in each block of the DD Form 214. For items 8 (Place of Birth) and 9 (Date of Birth) shows self-explanatory.

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 the immediate commander made a positive recommendation for its award and until the awarding authority announced the award in General Orders.

//NOTHING FOLLOWS//