

IN THE CASE OF: ██████████

BOARD DATE: 29 March 2024

DOCKET NUMBER: AR20230010462

APPLICANT REQUESTS: reconsideration of his previous request for correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show in item 18 (Remarks) his 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 12 December 1969

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20080007630 on 29 January 2009.

2. The applicant states he has service in Vietnam and was awarded the National Defense Service Medal and the Army Good Conduct Medal (First Award). His DD Form 214 should be corrected to show his tour in Doung Tam, Mae-Kon Delta, South Vietnam due to his disability and hearing loss.

3. The applicant has prior service in the Army National Guard. His DA Form 20 (Enlisted Qualification Record) shows in:

a. Item 31 (Foreign Service): service in Vietnam from 24 March 1969 to a date that is not legible.

b. Item 38 (Record of Assignments): shows in part –

- he was ordered to active military service to Hawaii on 13 May 1968
- he was assigned to Company D, 29th Support Battalion, Hawaii, from 13 May 1968 to 2 June 1969
- he was assigned to Health Support Battalion, 1st Battalion, 11th Artillery, 9th Infantry Division, Vietnam, from 3 June 1969 to 16 September 1969

- he was assigned to Company D, 29th Support Battalion, Hawaii, from 17 September 1969 to 4 February 1970

c. Item 41 (Awards and Decorations):

- Marksman Marksmanship Qualification Badge with Rifle Bar
- National Defense Service Medal
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
- Vietnam Service Medal
- Army Good Conduct Medal

4. General Orders Number 8159, issued by Headquarters, 9th Infantry Division, dated 2 July 1969, shows in part the applicant was awarded the Army Commendation Medal, for outstanding achievement in connection with military operations against a hostile force in the Republic of Vietnam for the period 1 June to 2 July 1969.

5. On 12 December 1969, he was honorably discharged from active duty. His DD Form 214 for this period shows he completed 1 year and 7 days of active service. His DD Form 214 also shows in

a. Item 11a (Type of Transfer or Discharge) – Released to ARNG of Hawaii.

b. Item 22c (Foreign and/or Sea Service): 2 months and 24 days (Service in Vietnam from 3 June 1969 to 16 September 1969).

c. He was awarded or authorized: National Defense Service Medal and the Army Good Conduct Medal (First Award).

d. Item 30 (Remarks) – does not show his service in Vietnam; shows in part, in item 11a – released from active duty and returned to state control as a member of the ARNG of Hawaii to complete remaining service obligation of 2 years and 11 months.

6. On 29 January 2009, in ABCMR Docket Number AR20080007630, the Board denied his request for his DD Form 214 to show a temporary duty assignment in Vietnam. The Board stated that Army Regulation 635-5 (Personnel Separations/Separation Forms) governed the preparation of the DD Form 214. The regulation, in effect at the time, provided that the total active duty outside the continental limits of the United States for the period covered by the DD Form 214 and the last overseas theater in which the service was performed would be entered in item 22c. Also, there is no provision to show temporary duty assignments or any assignment other than the unit of assignment upon separation on the DD Form 214.

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. His DA Form 20 shows, in item 31 (Foreign Service) he arrived in Vietnam on 24 May 1969 and 38 (Record of service) show he left Vietnam and reported to a unit in Hawaii on 17 September 1969. Therefore the applicant's DD Form 214 should be corrected to show he served in Vietnam from 24 May 1969 to 16 September 1969.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
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■	■	■	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

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 relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by adding the entry, "Vietnam 24 May 1969 - 16 September 1969, Indochina - yes, Korea - no."

6/6/2024



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.

ADMINISTRATIVE NOTE:

A review of the applicant's records show he was awarded or authorized the following awards not listed on his DD Form 214:

- Army Commendation Medal
- Marksman Marksmanship Qualification Badge with Rifle Bar
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
- Vietnam Service Medal with two bronze service medals
- Republic of Vietnam Campaign Medal with Device (1960)
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal

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 (effective 23 January 1967), states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty.
 - Item 24: Enter from the DA Form 20 all decorations, service medals, campaign credits, and badges awarded or authorized mitting authorities cited therein
 - Item 30: The specific instructions for item 30 the "remarks" section will be used to complete entries too long for their respective blocks
3. Army Regulation 635-5 dated 4 February 1972, states, effective 15 March 1972 Army Regulation 635-5, dated 23 January 1967 is changed as follows: Indicate Indochina and Korea service on or after 5 August 1964 by entering inclusive dates of service for Vietnam and indicating "yes" or "no" for service in Indochina and Korea.
4. Army Regulation 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.
 - a. The qualification badge is awarded to indicate the degree – Expert, Sharpshooter, and Marksman -- in which an individual has qualified in a prescribed record course. An appropriate bar is furnished to denote each weapon with which the individual has qualified.

b. 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. Qualifying service also included temporary duty for 30 consecutive days or 60 nonconsecutive days in Vietnam or contiguous areas, except that the time limit may be waived for personnel participating in actual combat operations. This same regulation states a bronze service star will be awarded for wear on the Vietnam Service Medal for participation in each credited campaign. A silver service star is authorized in lieu of five bronze service stars.

c. 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. Qualifying service outside the geographical limits of the Republic of Vietnam required the individual to provide direct combat support to the Republic of Vietnam and Armed Forces. Also eligible for this award are individuals who qualified for award of the Vietnam Service Medal or the Armed Forces Expeditionary Medal and served for less than six months of service but:

- were wounded as a result of hostile action
- were captured by hostile forces but later escaped or were rescued or released
- were killed in action or otherwise in line of duty

5. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the awards received by units serving in Vietnam. This pamphlet shows the unit to which the applicant was assigned was cited for award of the following:

a. Republic of Vietnam Gallantry Cross with Palm Unit Citation for the period January to June 1969 by Department of the Army General Order (DAGO) Number 59, dated 1969.

b. Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation for the period 19 December 1966 to 28 June 1969 by DAGO 59, dated 1969.

//NOTHING FOLLOWS//