

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 May 2024

DOCKET NUMBER: AR20230010708

APPLICANT REQUESTS:

- correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of the following:
 - Republic of Vietnam Campaign Medal with Device (1960)
 - National Defense Service Medal
 - Good Conduct Medal
 - Expert Marksmanship Qualification Badge with Rifle Bar
- as a related issue, the Vietnam Service Medal
- a video/telephonic appearance before the Board

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

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 his kids and grandkids have raised this matter. During his tour he does not remember any awards made. His entire time was in short mobile camps. He is a disabled veteran with a 100% rating, mainly due to agent orange and other service-related issues.
3. The applicant's records contain sufficient evidence to support additional awards not shown on his DD Form 214. His DD Form 214 will be administratively corrected without Board action. The Board will consider award of Republic of Vietnam Campaign Medal with Device (1960) and Vietnam Service Medal.

4. The applicant's current DD Form 214 reflects award of the Good Conduct Medal (First Award) and the Expert Marksmanship Qualification Badge with Rifle Bar. Therefore, these awards will not be considered further in these proceedings.
5. On 30 April 1963, the applicant enlisted in the Regular Army.
6. His DA Form 20 (Enlisted Qualification Record) shows in:
 - a. Item 31 (Foreign Service) – service in Thailand from 16 July 1965 to 19 April 1966.
 - b. Item 41 (Awards and Decorations) –
 - Good Conduct Medal (First Award)
 - Expert Marksmanship Qualification Badge with Rifle Bar
 - c. His service records are void of any entries or awards showing service in Vietnam.
7. On 20 April 1966, he was honorably released from active duty. His DD Form 214 shows he completed 2 years, 11 months, and 21 days of active service. Item 26 (Decorations Medals, Badges, Commendations and Campaign Ribbons Awarded or Authorized) shows:
 - Good Conduct Medal (First Award)
 - Expert Marksmanship Qualification Badge with Rifle Bar
8. The Republic of Vietnam Campaign Medal is awarded by the government of the Republic of Vietnam to servicemembers of the U.S. Armed Forces. To qualify for the award, personnel must meet one of the following requirements:
 - served in the Republic of Vietnam for 6 months during a period specified
 - served outside the geographical limits of the Republic of Vietnam and contributed direct combat support to the Republic of Vietnam and Armed Forces for 6 months
 - served for less than 6 months, but was wounded, captured, or killed in action
9. The Vietnam Service Medal is awarded to all servicemembers 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. Servicemembers of the Armed Forces of the United States in Thailand, Laos, or Cambodia, or in the airspace there over, during the same period and serving in direct support of operations in Vietnam are also eligible for this award.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found partial relief is warranted.
2. The Board concurred with the correction described in Administrative Note(s) below.
3. The Board found no evidence indicating the applicant met the criteria for the Republic of Vietnam Campaign Medal or the Vietnam Service Medal during his service in Thailand. Based on a preponderance of the evidence, the Board determined he is not eligible for these medals.

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

1. 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 making the correction described in Administrative Note(s) below.
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 any relief in excess of that described above.

9/16/2024

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):

A review of the applicant's records show he was authorized the following awards not listed on his DD Form 214. As a result, please amend the applicant's DD Form 214 to reflect award of the National Defense Service 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 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. 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. Members in Thailand, Laos, or Cambodia during the same period and serving in direct support of operations in Vietnam are also eligible for this award. Bronze service stars are not authorized on the Vietnam Service Medal when awarded for service in Thailand, Laos, or Cambodia). Direct support is defined as services being supplied to participating forces in the area of eligibility and includes:

- units, ships, and aircraft providing it involves actually entering the designated area
- ships and aircraft providing fire, patrol, guard, reconnaissance, or other military support within the designated area of eligibility

b. 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

c. The National Defense Service Medal is awarded for honorable active service for any period between 27 July 1950 and 27 July 1954, 1 January 1961 and 14 August 1974, 2 August 1990 and 30 November 1995, and 11 September 2001 and a date to be determined. Second and subsequent awards of the National Defense Service Medal are denoted by a bronze service star affixed to the National Defense Service Medal.

3. Army Regulation 635-5 (Separation Documents) prescribes the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It establishes standardized policy for the preparation of the DD Form 214 and states that the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. The DD Form 214 provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. In item 24, list all federally recognized awards and decorations for all periods of service.

4. Army Regulation 15-185 (Army Board for Correction of Military Records), paragraph 2-11, shows applicant's do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//