

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 May 2024

DOCKET NUMBER: AR20230010835

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show his Vietnam service.

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 (Armed Forces), United States Code (USC), section 1552 (b) (Correction of Military Records: Claims Incident Thereto). 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, he served a temporary assignment in Vietnam in support of Operation Golden Flow; during this operation, he helped to detect and rehabilitate drug users. "While I provided the documentation and it was approved in 2016, I did not at that time request an updated DD214."
3. The ABCMR has no record of any prior applications from the applicant. The National Personnel Records Center advises that the applicant's complete military service record is currently unavailable for review; however, two documents from his Regular Army service (General Orders and the applicant's DD Form 214) are posted to his online military personnel file (Interactive Personnel Electronic Records Management System (iPERMS)). With those documents, the Board can address the applicant's request. The two documents show the following:
 - a. Fort Carson Medical Department Activity General Orders Number 29, dated 21 May 1973, awarded the Army Good Conduct Medal (1st Award) for the period 24 June 1970 to 16 May 1973.
 - b. DD Form 214, for the period ending 16 May 1973, shows the Army honorably released the applicant from active duty and transferred him to the U.S. Army Reserve

for the remainder of his military service obligation; the applicant completed 2 years, 10 months, and 19 days of Regular Army service. The report additionally reflects the following:

(1) Item 11c (Reason and Authority) – Chapter 5 (Separation for Convenience of the Government), Section IX (Employment), Army Regulation (AR) 635-200 (Personnel Separations – Enlisted Personnel) – Early Separation to Accept Employment.

(2) Item 22c (Foreign and/or Sea Service) – "0/0/0."

(3) Item 23a (Specialty Number and Title) – Medical Laboratory Specialist, (effective) 15 January 1971.

(4) Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) – National Defense Service Medal and Marksman Marksmanship Qualification Badge with Rifle Bar (M-16).

(5) Item 30 (Remarks) – No entries concerning Vietnam service.

4. AR 15-185 (ABCMR), currently in effect, states:

a. The ABCMR decides cases on the evidence of record; it is not an investigative body. Additionally, the ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary).

b. The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The Board did not find evidence in the available records, or provided by the applicant, that shows he served in Vietnam. Documents such as a deployment order, permanent change of station order, entry on a DA Form 20 (Enlisted Qualification Record), an award reflective of service in Vietnam, a Leave and Earnings Statement reflective of such service are helpful documents in establishing service in Vietnam. In the absence of such evidence, the Board determined relief is not warranted.

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:

Except for the correction addressed in Administrative Note(s) below, the evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.



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):

1. AR 635-5 (Separation Documents), in effect at the time, required the DD Form 214 to list all authorized awards and decorations.
2. GO awarded the applicant the Army Good Conduct Medal (1st Award).
3. Amend the applicant's DD Form 214, ending 16 May 1973, by adding the Army Good Conduct Medal (1st Award).

REFERENCES:

1. Title 10, USC, 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. AR 15-185, currently in effect, states:

a. The ABCMR decides cases on the evidence of record; it is not an investigative body. Additionally, the ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary).

b. The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.

//NOTHING FOLLOWS//