

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 May 2024

DOCKET NUMBER: AR20230010986

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show award of the Army Commendation Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- News Article, titled: Letters to the Editor

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 he received an Army Commendation Medal for his service from March 1970 to March 1971, but it is not listed on his DD Form 214.
3. The applicant provides a copy of a news article which describes how he received the Army Commendation Medal for his meritorious service in support of military operations in the Republic of Vietnam.
4. The applicant's records contain sufficient evidence to support additional awards not shown on his DD Form 214, for the period ending 1 October 1971. As a result, these will be administratively added. The Board will consider his request for award of the Army Commendation Medal.
5. A review of the applicant's service record shows:
 - a. He enlisted in the Regular Army on 3 October 1969.
 - b. His DA Form 20 (Enlisted Qualification Record) shows in:

- item 31 (Foreign Service): service in Vietnam from 11 March 1970 – 9 February 1971
- item 41 (Awards and Decorations):
 - National Defense Service Medal
 - Vietnam Service Medal
 - two overseas service bars
 - Valorous Unit Award
 - Vietnam Campaign Medal
 - Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)

c. On 1 October 1971, he was honorably transferred to the U.S. Army Reserve. His DD Form 214 shows he completed 1 year, 11 months, and 29 days of active service. It also shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal with Device 1960
- Valorous Unit Award
- two overseas service bars
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)

6. The applicant's record is void of orders, a certificate, or citation awarding him the Army Commendation Medal.

7. By regulation, the Army Commendation Medal may be awarded to any 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. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.

2. The Board found the newspaper clipping provided by the applicant insufficient as a basis for adding the Army Commendation Medal to the applicant's DD Form 214. At the

time of the applicant's service, three documents were generated for each approved award of the Army Commendation Medal: orders announcing the award, an Army Commendation Medal Certificate, and an Army Commendation Medal Citation. Without one of more of these documents included in the available evidence, the Board determined there is an insufficient basis for adding the Army Commendation Medal to the applicant's DD Form 214.

3. The Board concurred with the corrections described in Administrative Note(s) below.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Other than the corrections addressed in Administrative Note(s) below, the Board determined 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 otherwise insufficient as a basis for correction of the records of the individual concerned.

9/24/2024
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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):

The applicant's service records contain evidence substantiating adding the following to the applicant's DD Form 214 without Board action:

- three bronze service stars with the Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

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) states the Army Commendation Medal may be awarded to any 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.

3. Department of the Army Pamphlet 672-3 (Unit and Campaign Participation Credit Register) shows:

a. Department of the Army General Orders 8, dated 1974, announced award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation for service in Vietnam to the Headquarters, United States Army Vietnam, and its subordinate units during the period 20 July 1965 to 28 March 1973.

b. A bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign. During his service in Vietnam, the applicant participated in the following 3 campaigns:

- Vietnam Winter-Spring 1970, 1 November 1969 – 30 April 1970
- DA Sanctuary Counteroffensive, 1 May 1970 – 30 June 1970
- Vietnam Counteroffensive, Phase VII, 1 July 1970 – 30 June 1971

//NOTHING FOLLOWS//