

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 May 2024

DOCKET NUMBER: AR20230011040

APPLICANT REQUESTS: in effect, 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)
- Army Commendation Medal certificate, 12 November 1968
- Army Commendation Medal citation, December 1967 to November 1968
- DD Form 214, 18 November 1968

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 was awarded the Army Commendation Medal on 12 November 1968. He believes he never received the medal and ribbon set because his name is misspelled on the citation.
3. The applicant was inducted into the Army of the United States on 29 November 1966. He served in military occupational specialty 05C (Radio Operator).
4. His DA Form 20 (Enlisted Qualification Record) shows, in -
 - a. block 29 (Qualification in Arms) he was awarded the-
 - Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
 - Expert Marksmanship Qualification Badge with Rifle Bar (M-16)

b. blocks 31 (Foreign Service) and 38 (Record of Assignments) shows -

- he received all excellent conduct and efficiency ratings
- he was assigned to Headquarters and Headquarters Company, 1st Brigade, 9th Infantry Divisions, Vietnam, from 13 December 1967 to 17 November 1968 (11 months and 4 days)

4. He was honorably released from active duty as an overseas returnee on 18 November 1968. The DD Form 214 he was issued shows he completed 1 year, 11 months and 20 days total active service with 10 months and 16 days of this time being foreign service. The highest rank/grade he attained during this period of service was the temporary rank of sergeant (SGT(T))/E-5. The form further shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal
- Rifle M-14 & M-16

5. His records contain a DA Form 20 (Enlisted Qualification Record) which shows in:

a. Item 31 (Foreign Service) service in the Republic of Vietnam from 3 December 1967 to 18 November 1968.

b. Item 38 (Record of Assignments) he received all "excellent" conduct and efficiency ratings throughout his service.

c. Item 38 he served with Headquarters and Headquarters Company, 1st Brigade, 9th Infantry Division while serving in the U.S. Army Pacific (USARPAC).

d. Item 41 (Awards and Decorations) Special Orders award of the Expert Marksmanship Qualification Badge with Rifle Bar (M-16) and the Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14).

6. His record does not contain any derogatory information or a commander's disqualification that would have precluded him from being recommended for or awarded the Army Good Conduct Medal (1st Award).

7. The applicant provides copies of his Army Commendation Medal certificate and citation which he received for exceptionally meritorious service in support of allied counterinsurgency operations in the Republic of Vietnam from December 1967 to

November 1968. He did not provide orders, and none were found in his official military personnel file.

8. Army Regulation 635-5 (Personnel Separations – Separation Documents), then in effect, states the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records the Board determined the applicant's record is absent sufficient evidence showing an approved recommendation, a signed DA Form 638 or orders awarding an Army Commendation Medal. The Board concluded the burden of proof rests with the individual concerned to provide evidence of a clear and convincing nature with documentation to support the applicant's request for award of an ARCOM.

2. However, during the deliberation, the Board determined the applicant's record did not reflect he was awarded the Army Good Conduct Medal (1st award) and his record shows he received "excellent" conduct and efficiency ratings throughout his service for the period of 29 November 1966 to 18 November 1968. Based on this, the Board granted partial relief to correct the applicant's record awarding him the Army Good Conduct Medal.

3. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

█ █ █ GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the administrative notes annotated by the Analyst of Record (below the signature), 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 Army records of the individual concerned be corrected by awarding him the Army Good Conduct Medal (1st Award) for exemplary service from 29 November 1966 to 18 November 1968 and adding the medal to his DD Form 214 for the period ending 18 November 1968.

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 award of the Army Commendation Medal.

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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):

Administratively correct the applicant's DD Form 214 for the period ending on 18 November 1968, without action by the Board:

a. block 22c (Foreign and/or Sea Service) -

- delete the entry, [REDACTED]
- add the entry, "USAPAC" and [REDACTED]

b. delete from block 24 (Decorations, Medals, Commendations, Citations and Campaign Ribbons Awarded or Authorized) the entries "Vietnam Service Medal... Vietnam Campaign Medal... Rifle M-14 & M-16" and add the below entries -

- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- Vietnam Service Medal with one silver service star
- Republic of Vietnam Campaign Medal with Device (1960)
- Presidential Unit Citation
- Republic of Vietnam Gallantry Cross with Palm Unit Citation (2nd Award)
- Republic of Vietnam Civil Actions Honor Medal, First Class Unit Citation

c. add to block 30 (Remarks), the entry, "Vietnam-13 Dec 67 through 17 Nov 68, Indochina-yes, Korea-no."

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. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

3. Army Regulation 672-5-1 (Awards), in effect at the time, provides that the Army Good Conduct Medal is awarded to individuals who have completed a qualified period of active duty enlisted service. This period is 3 years except in those cases when the period for the first award ends with the termination of a period of Federal military service. The enlisted person must have had all "excellent" conduct and efficiency ratings and no convictions by a court-martial.

4. Army Regulation 600-8-22, paragraph 2-13, contains the regulatory guidance on the Vietnam Service Medal. It states that a bronze service star is authorized with this award for each Republic of Vietnam campaign a member is credited with participating in. A silver service star is authorized in lieu of five bronze service stars. Appendix B shows that during his service in the Republic of Vietnam, the applicant participated in the following five campaigns:

- Vietnam Counteroffensive Phase III (1 June 1967 - 29 January 1968)
- TET Counteroffensive (30 January 1968 - 1 April 1968)
- Vietnam Counteroffensive Phase IV (2 April 1968 - 30 June 1968)
- Vietnam Counteroffensive Phase V (1 July 1968 - 1 November 1968)
- Vietnam Counteroffensive Phase VI (2 November 1968 - 22 February 1969)

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 Headquarters and Headquarters Company, 1st Brigade, 9th Infantry Division, the unit to which the applicant was assigned, was cited for award of the:

- Presidential Unit Citation for the period 7 March to 22 June 1968 by Department of the Army General Orders (DAGO) Number 60, dated 1969
- Republic of Vietnam Gallantry Cross with Palm Unit Citation, by DAGO Number 31, dated 1969, for the periods
 - 1 December 1966 through 30 June 1968
 - 1 July 1968 through 13 November 1968
- Republic of Vietnam Civil Actions Honor Medal, First Class Unit Citation for the period 19 December 1966 through 28 June 1969 DAGO Number 59, dated 1969

6. Army Regulation 635-5, in effect at the time, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It established standardized policy for the preparation of the DD Form 214. It stated for

a. block 22c, enter the total period of active duty served outside of the continental limits of the United States for the period covered by the DD Form 214 and to enter the last overseas theater (e.g., USARPAC) in which the service was performed.

b. block 30 (Remarks), indicate Indochina and Korea service on or after 5 August 1964, by entering the inclusive dates of service for Vietnam and indicating "yes" or "no"

for service in Indochina and Korea, for example, to show service in Vietnam only,
"Vietnam-24 Apr 70 through 28 May 1971, Indochina=yes, Korea-no."

//NOTHING FOLLOWS//