

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 22 May 2024

DOCKET NUMBER: AR20230011053

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 10 April 1971 to show the following awards:

- Combat Action Badge (CAB)
- Southwest Asia Service Medal (SWASM)
- Overseas Service Ribbon (OSR)
- Army Achievement Medal (AAM)
- Armed Forces Expeditionary Medal (AFEM)

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- DD Form 214
- DD Form 215 (Correction to DD Form 214), 4 August 2016

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 not awarded all the medals he should have received for his service in Vietnam. He served as a squad leader in two different units. He was drafted, deployed to Vietnam, and deserves the recognition for his service.

3. He was inducted into the Army of the United States on 13 May 1969. He was awarded military occupational specialty (MOS) 11C (infantry indirect fire crewman) upon completion of initial entry training. He was promoted to the rank/grade of sergeant/E-5 effective 3 March 1970.

4. He arrived in Vietnam on or about 6 June 1970. Item 38 (Record of Assignments) of his DA Form 20 (Enlisted Qualification Record) shows:

a. He was assigned to Company D, 2nd Battalion, 3rd Infantry Regiment, 199th Infantry Brigade, as a forward observer in duty MOS 11C effective 18 June 1970.

b. He was assigned to Company F, 3rd Battalion (Airmobile), 506th Infantry Regiment, as a squad leader in duty MOS 11C effective 10 October 1970.

c. He departed his unit en route to the continental United States effective 6 April 1971.

d. His conduct and efficiency ratings were exclusively "Excellent" where rated.

5. His records contain no evidence showing he was awarded the Army Good Conduct Medal (AGCM) (1st Award). He received "Excellent" conduct and efficiency ratings throughout his service. There is no evidence of indiscipline, lost time, or a commander's disqualification for award of the AGCM.

6. His records contain no evidence showing he served in Southwest Asia.

7. He was honorably released from active duty on 10 April 1971 and transferred to the U.S. Army Reserve Control Group (Annual Training). He completed 1 year, 10 months, and 26 days of net active service during this period, including 10 months and 9 days of foreign service in Vietnam under U.S. Army Pacific. His DD Form 214 shows he was awarded or authorized the:

- National Defense Service Medal
- Vietnam Service Medal
- Combat Infantryman Badge
- Army Commendation Medal
- Bronze Star Medal

8. Department of the Army General Orders Number 8, 19 March 1974, confirmed award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Military Assistance Command, and its subordinate units during the period 8 February 1962 to 28 March 1973 and to Headquarters, U.S. Army Vietnam, and its subordinate units during the period 20 July 1965 to 28 March 1973.

9. His records contain no evidence showing he performed any Regular Army service following his release from active duty on 10 April 1971.

10. He was issued a DD Form 215, 4 August 2016, adding the following awards to his DD Form 214 for the period ending 10 April 1971:

- Air Medal
- Army Commendation Medal (2nd Award)
- Republic of Vietnam Campaign Medal with Device (1960)

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, 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 record is absent sufficient evidence showing an approved recommendation, a signed DA Form 638 or orders for an Army Achievement Medal or the Armed Forces Expeditionary Medal (AFEM). 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 the award.

2. The Board determined there is insufficient evidence to support the applicant served on an active-duty status to meet the criteria to be awarded the oversea service ribbon. Based on regulatory guidance the ribbon may be awarded retroactively to those personnel who were credited with successful completion of an overseas tour before 1 August 1981, provided they had a Regular Army status as defined above on or after 1 August 1981. Evidence shows the applicant was discharged 10 April 1971 and the SWASM was not established until 12 March 1991 and was awarded to members of the Armed Forces of the United States serving in Southwest Asia and contiguous waters or airspace there over on or after 2 August 1990 to 30 November 1995. A bronze service star is authorized with the SWASM for participation in each credited campaign. As such the applicant did not meet the criteria for award SWASM.

3. Furthermore, the Board noted the applicant did not meet the criteria for award of the CAB which was established on 2 May 2005 and recognizes the greatly expanded role of non-infantry Soldiers in active ground combat. The applicant was discharged 10 April 1971 prior to the established date for the V+CAB. However, during deliberation the Board determined the applicant's service 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 13 May 1969 to 10 April 1971. Based on this the Board granted partial relief for correction of the applicant's record to show award of the Army Good Conduct Medal.

4. 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. 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 awarding him the Army Good Conduct Medal (1st Award) for exemplary service from 13 May 1969 to 10 April 1971 and adding the medal to his DD Form 214 for the period ending 10 April 1971.

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 following:

- Combat Action Badge (CAB)
- Southwest Asia Service Medal (SWASM)
- Overseas Service Ribbon (OSR)
- Army Achievement Medal (AAM)
- Armed Forces Expeditionary Medal (AFEM)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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 is authorized administrative correction of his DD Form 214 for the period ending 10 April 1971 to show the following awards without Board action:

- two bronze service stars with his 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) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The AAM was established on 10 April 1981 and is awarded to any member of the Armed Forces of the United States who, while serving in a non-combat area on or after 1 August 1981, distinguished him or herself by meritorious service or achievement. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

b. The AGCM is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity. This period is 3 years except in those cases when the period for the first award ends with the termination of a period of active Federal military service. Although there is no automatic entitlement to the AGCM, disqualification must be justified.

c. The OSR was established on 10 April 1981 and is awarded to all members of the Active Army, Army National Guard, and Army Reserve in an active Reserve status for successful completion of overseas tours. The ribbon may be awarded retroactively to those personnel who were credited with successful completion of an overseas tour before 1 August 1981, provided they had a Regular Army status as defined above on or after 1 August 1981.

d. The AFEM is awarded for qualifying service after 1 July 1958 in U.S. military operations, U.S. operations in direct support of the United Nations, and U.S. operations of assistance for friendly foreign nations. An individual, who was not engaged in actual combat or equally hazardous activity, must have been a bona fide member of a unit participating in, or be engaged in the direct support of, the operation for 30 consecutive or 60 nonconsecutive days, provided this support involved entering the area of operations. Service members who earned the AFEM for service in Vietnam between 1 July 1958 and 3 July 1965 may elect to receive the VSM instead of the AFEM; however, no service member may be issued both medals for service in Vietnam.

e. The VSM was awarded to all members 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. Service members who qualified for the AFEM by reason of service in Vietnam between 1 July 1958 and 3 July 1965 (inclusive) will remain qualified for that medal. Upon request (unit personnel officer), any such individual may be awarded the VSM instead of the AFEM. In such instances, the AFEM will be deleted from the list of authorized medals in personnel records. No person will be entitled to

both awards for Vietnam service. One bronze service star is authorized with the VSM for each campaign during which a member was assigned or attached to and present for duty with a unit during the period in which the unit participated in combat. Table K-1 shows participation credit was awarded for the following campaigns, in part:

- Sanctuary Counteroffensive – 1 May 1970-30 June 1970
- Vietnam Counteroffensive Phase VII – 1 July 1970-30 June 1971

f. The SWASM was established on 12 March 1991 and was awarded to members of the Armed Forces of the United States serving in Southwest Asia and contiguous waters or airspace there over on or after 2 August 1990 to 30 November 1995. A bronze service star is authorized with the SWASM for participation in each credited campaign.

g. The CAB was established on 2 May 2005 and recognizes the greatly expanded role of non-infantry Soldiers in active ground combat. The requirements for award of the CAB are branch and MOS immaterial. Assignment to a combat arms unit or a unit organized to conduct close or offensive combat operations, or performing offensive combat operations, is not required to qualify for the CAB. However, the CAB is not intended to recognize Soldiers who simply serve in a combat zone or imminent danger area. Battle participation credit alone is not sufficient; the unit must have engaged or been engaged by the enemy. Award of the CAB is not automatic and will not be awarded solely based on award of the Purple Heart. The CAB may be awarded to any Soldier. A Soldier must be personally present and under hostile fire while performing satisfactorily in accordance with the prescribed rules of engagement, in an area where hostile fire pay, or imminent danger pay is authorized. For all named conflicts beginning after the effective date of this publication, a Soldier must also be performing in an offensive or defensive act while participating in combat operations, engaging, or being engaged by the enemy. A Soldier must be performing their assigned duties associated with the unit's combat mission in an area where hostile fire pay or imminent danger pay is authorized.

//NOTHING FOLLOWS//