

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 May 2024

DOCKET NUMBER: AR20230011518

APPLICANT REQUESTS: correction of the deceased service member's (SM) DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), for period ending 17 June 1968, by adding the following awards.

- Purple Heart Medal
- Army Good Conduct Medal
- Vietnam Service Medal with one Service Star
- Army Expert Badge with Rifle Bar
- Army Expert Badge with Pistol Bar
- Army Presidential Unit Citation
- Republic of Vietnam Gallantry Cross Unit Award with Palm Device
- Republic of Vietnam Civil Actions Unit Citation with Palm Device
- Army Meritorious Unit Commendation

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

- DD Form 149 (Application for Correction of Military Record)
- Death Certificate
- Georgia Department of Public Health Marriage License
- National Personnel Records Center (NPRC) Letter dated 31 July 2023
- Standard Form 180 (Request Pertaining to Military Records)
- DA Form 20 (Enlisted Qualification Record)
- Special Orders Number 179 dated 18 August 1966, Weapon Qualification (M14)
- Medical Documents and Injury Report
- DD Form 214, for period ending 17 June 1968
- Honorable Discharge Certificate dated 21 June 1972
- DA Form 2376 (Notification to State Adjutant General Release from Active Duty of Obligation Reservist) dated 17 June 1968
- United States Army Reserve (USAR) Discharge Orders, dated 24 May 1972
- TACOM Awards Documents

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, the spouse of the deceased SM, states her late husband deserves to have all of his awards added to a DD Form 215, indicating a correction to his service record. In the past she has solicited help from their Congressman, the Department of Veterans Affairs (DAV) and the American Legion but they never followed up with the family. She has received the medals from TACOM but would like to have the orders and certificates that correspond with the Purple Heart and Good Conduct Medal. Before his passing, the SM attempted to resolve this issue with NPRC in the past but says they never received a response. The SM's spouse requests resolution and issuance of awards and certificates, and correction of records. The resolution of this request would mean a great deal to her, their children and their grandchildren. She has included in the request doctors' letters, sick bay and medical record care documents that she protests is proof of the SM being wounded by shrapnel.
3. The applicant provided:
  - a. A death certificate of the SM indicating his passing on 24 May 2013 and a marriage license from the state of Georgia.
  - b. A letter from NPRC, dated 31 July 2023, responding to a congressman reference a request for separation documents and personnel records for the SM. NPRC stated that the records they reviewed did not reflect any medical citation being issued. The letter also stated their authority for issuance of awards, defined and clarified the requirements of issuance of the Purple Heart medal and recommend a DD Form 149 be submitted for action.
  - c. A SF 180, dated 14 June 2021, requesting DD Form 21, Official Military Personnel File (OMPF), Medical Records, Dental Records, and all of the SM's awards and decorations.
  - d. A DA Form 20, detailing the SM's Enlisted Personnel Record. The DA Form 20 was last verified by the SM on 26 April 1967.
  - e. Special Orders Number 179 dated 18 August 1966, indicating Expert Marksmanship qualification on a M-14 rifle.

f. Various medical records reporting injury and medical care to include a Report of Medical Examination for separation and x-ray images of hand.

g. DD Form 214, for the period ending 17 June 1968, and an Honorable Discharge Certificate (DD Form 256A) dated 21 June 1972.

h. A DA Form 2376, dated 17 June 1968, notifying the states adjutants general of the SMs release from active-duty obligation. And USAR discharge letter orders number 05-1172159, removing the SM from the Standby Reserve.

i. A letter from TACOM, Clothing and Heraldry directorate to the SM's spouse detailing a list of award and decorations issued.

4. A review of the SM's service record shows:

a. On 22 June 1966, the SM was inducted into the Army of the United States for 2 years active duty.

b. On 17 June 1968, he was honorably released from active duty and was transferred to the United States Army Reserve to complete his remaining service obligation. The SM's DD Form 214, as amended by his DD Form 215 (Correction to Report of Separation) shows he was awarded or authorized:

- Purple Heart Medal
- Army Good Conduct Medal
- Vietnam Service Medal with three Bronze Service Stars
- Expert Marksmanship Badge with Rifle Bar
- Republic of Vietnam Gallantry Cross Unit Citation with Palm device

c. The SM's record is void of substantiating documents that support the authorization of the following awards and decorations as requested by the applicant:

- Army Presidential Unit Citation
- Republic of Vietnam Civil Action Unit Citation
- Army Meritorious Unit Commendation

5. A review of the applicant's service record confirms an administrative entry was omitted from his DD Form 214 and DD 215. The entry will be added to his DD Form 215 as an administrative correction and will not be considered by the Board.

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 former service member’s (SM) 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 the former SM available military records, the Board determined there is insufficient evidence to show the former SM met the criteria for award of the Army Presidential Unit Citation, Republic of Vietnam Civil Action Unit Citation. The Board noted the former SM record is absent any annotation that reflects the former SM qualified for the Army Expert Badge with Rifle Bar. The Board agreed there is insufficient evidence in accordance with regulatory guidance that shows the applicant was assigned to an unit that was awarded the Army Meritorious Unit Commendation.
  
2. However, during deliberation, the Board agreed the former service members omitted correction to his DD Form 214 to show he qualified for the Expert Marksmanship Qualification Badge with Pistol Bar (.45 Cal). Based on this, the Board granted partial relief to amend the applicant’s DD Form 214 to show his qualification badge.
  
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.

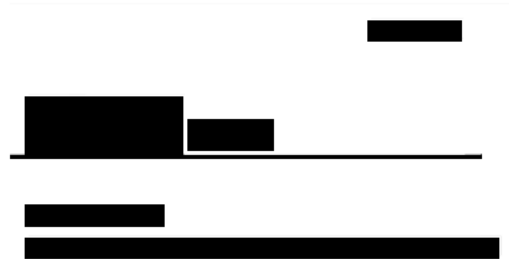
BOARD VOTE:

<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. 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 the Army records of the individual concerned be corrected by amending the applicant's DD Form 214 by adding the Expert Marksmanship Qualification Badge with Pistol Bar (.45 Cal).

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 Presidential Unit Citation, Republic of Vietnam Civil Action Unit Citation, Army Expert Badge with Rifle Bar and the Army Meritorious Unit Commendation.



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 service record shows his DD Form 214 and DD 215 omitted an administrative entry in Item 24 (Decorations, Medals, Commendation, Citations and Campaign Ribbons Awards or Authorized). As a result, amend the DD Form 214 and DD 215 by adding in item 24: three bronze service stars to his already issued Vietnam 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 635-5 (Separation Documents) states to list awards and decorations for all periods of service in the priority sequence specified in Army Regulation 600-8-22. Army Regulation 600-8-22 gives the order of precedence for awards and decorations. Only decorations, medals, and ribbons are listed. Certificates of achievement, letters of appreciation, and similar documents are not listed.

3. Army Regulation 600-8-22 (Military Awards) prescribes Department of the Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The Purple Heart is awarded for a wound sustained while in action against an enemy or as a result of hostile action. Substantiating evidence must be provided to verify that the wound was the result of hostile action, the wound must have required treatment by medical personnel, and the medical treatment must have been made a matter of official record. When wounded more than once on the same day, add the following: Not more than one award will be made for more than one wound or injury received at the same instant or from the same missile, force, explosion, or agent. Army Regulation 600-8-22 also states that when contemplating an award of the Purple Heart the key issue commanders must take into consideration is the degree to which the enemy caused the injury.

b. The Army Good Conduct Medal 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 Army Good Conduct Medal, disqualification must be justified.

5. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the awards received by units serving in Vietnam. A bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign.

//NOTHING FOLLOWS//