

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 4 June 2024

DOCKET NUMBER: AR20230011702

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) 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)
- National Personnel Records Center (NPRC) Letter, 24 July 2023
- DD Form 214, for the period ending 7 July 1969

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 the Army Commendation Medal after his separation on 7 July 1969. The award is not listed on his DD Form 214. He would like it added to his record. He lost the award in a house fire.
3. The Board will consider the applicants request for his Army Commendation Medal and as a separate and related item the Army Good Conduct Medal.
4. On 5 October 1967, the applicant enlisted in the Regular Army.
5. His DA Form 20 (Enlisted Qualification Record) shows in:
 - a. Item 31 (Foreign Service) – service in the Vietnam from 18 March 1968 to 12 March 1969; he was assigned to Battery C, 5th Battalion, 27th Artillery from 26 March 1968 to 9 March 1969.
 - b. Item 38 (Record of Assignments) – he received "excellent" conduct and efficiency ratings.

c. Item 41 (Awards, Decorations and Campaigns) –

- National Defense Service Medal
- Vietnam Service Medal
- Two Overseas Service Bars
- Republic of Vietnam Campaign Medal with Device (1960)
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)

6. On 7 July 1969, the applicant was honorably released from active duty. He completed 1 year, 9 months and 3 days of active service. His DD Form 214 shows:

a. He was awarded or authorized the National Defense Service Medal, Vietnam Service Medal, two overseas service bars, Vietnam Campaign Medal, Sharpshooter Marksmanship Qualification Badge with Rifle Bar.

b. Item 30 (Remarks) – no entry for Vietnam service.

7. The applicant did not provide, nor does his record show, orders awarding him the Army Commendation Medal.

8. His records are void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal.

9. 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:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Award of the Army Commendation Medal requires a formal recommendation, approval through the chain of command, and announcement in orders. The Board did not find, and the applicant did not provide the orders that show he was awarded the Army Commendation Medal, or a recommendation that shows he was recommended for this award.

b. The applicant served on active duty from 5 October 1967 to 7 July 1969, completing 1 year, 9 months and 3 days of active service. His record does not reflect any lost time or any derogatory information that would have disqualified him from receiving his first award of the Army Good Conduct Medal, or a commander's disqualifying memorandum for this award. The Board determined he met the criteria to be awarded the Army Good Conduct Medal (1st Award).

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

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: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the correction addressed in Administrative Note(s) below, 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 the applicant the Army Good Conduct Medal for service during the period 5 October 1967 through 7 July 1969
- Adding awards of the Army Good Conduct (1st Award) to his DD Form 214

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 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):

A review of the applicant's records show he is authorized additional awards not annotated on his DD Form 214. Also, his DD Form 214 omitted entries in the remarks block. As a result, amend his DD Form 214, for the period ending 7 July 1969, by:

- Deleting the Vietnam Service Medal
- Adding:
 - Vietnam Service Medal with one silver star
 - Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
 - Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Adding to item 30 (Remarks): Vietnam Service from 18 March 1968 to 12 March 1969

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 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.

b. The Vietnam Service Medal is awarded to all members of the Armed Forces of the United States for qualifying service in Vietnam after 3 July 1965 through 28 March 1973. Qualifying service included attachment to or assignment for 1 or more days with an organization participating in or directly supporting military operations. Qualifying service also included temporary duty for 30 consecutive days or 60 nonconsecutive days in Vietnam or contiguous areas, except that the time limit may be waived for personnel participating in actual combat operations. This same regulation states a bronze service star will be awarded for wear on the Vietnam Service Medal for

participation in each credited campaign. A silver service star is authorized in lieu of five bronze service stars.

c. The qualification badge is awarded to indicate the degree – Expert, Sharpshooter, and Marksman -- in which an individual has qualified in a prescribed record course. An appropriate bar is furnished to denote each weapon with which the individual has qualified.

3. 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 unit to which the applicant was assigned was cited for award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation for the period 1 August 1965 to 16 April 1971 by Department of the Army General Order (DAGO) Number 54, dated 1974.

4. Army Regulation 672-5-1 (Awards), in effect at the time, stated the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940; for first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; and, for the first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more than 1 year. The enlisted person must have had all “excellent” conduct and efficiency ratings. Ratings of “Unknown” for portions of the period under consideration were not disqualifying. Service school efficiency ratings based upon academic proficiency of at least “Good” rendered subsequent to 22 November 1955 were not disqualifying. There must have been no convictions by a court-martial. However, there was no right or entitlement to the medal until the immediate commander made a positive recommendation for its award and until the awarding authority announced the award in general orders.

5. Army Regulation 635-5 (Separation Documents), in effect at the time (effective 23 January 1967), states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty.

- Item 24: Enter from the DA Form 20 all decorations, service medals, campaign credits, and badges awarded or authorized mitting authorities cited therein
- Item 30: The specific instructions for item 30 the “remarks” section will be used to complete entries too long for their respective blocks

6. Army Regulation 635-5 dated 4 February 1972, states, effective 15 March 1972 Army Regulation 635-5, dated 23 January 1967 is changed as follows: Indicate Indochina and Korea service on or after 5 August 1964 by entering inclusive dates of service for Vietnam and indicating “yes” or “no” for service in Indochina and Korea.

//NOTHING FOLLOWS//