

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 11 June 2024

DOCKET NUMBER: AR20230011717

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), 9 September 1971 to show:

- National Defense Service Medal (NDSM)
- Purple Heart (PH)
- Army Good Conduct Medal (AGCM) (First Award)
- Vietnam Service Medal (VSM) with two bronze service stars
- Republic of Vietnam Campaign Medal (VCM) with Device (1960)
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal-First Class Unit Citation
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)

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

- DD Form 149 (Application for Correction of Military Record), 31 August 2023
- letter, U.S. Army Reserve Personnel Center, 2 June 1991
- letter, National Personnel Records Center, 4 August 2023

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, in effect, a letter from the Department of the Army U.S. Army Reserve Personnel Center shows a list of awards he circled which were awarded to him and should also be shown on his DD Form 214.
3. The applicant's records contain sufficient evidence to support the award of the Purple Heart, Republic of Vietnam Gallantry Cross with Palm Unit Citation, Republic of Vietnam Civil Actions Honor Medal-First Class Unit Citation, Expert Marksmanship Qualification Badge with Rifle Bar (M-16), and Expert Marksmanship Qualification

Badge with Rifle Bar (M-14) not currently listed on his DD Form 214. These awards will be listed in the "Administrative Notes" section without the need for Board action.

4. The applicant's DD Form 214 already lists the National Defense Service Medal and Vietnam Campaign Medal with Device (1960). Therefore, these awards will not be considered in this record of proceedings. The Board will consider the Army Good Conduct Medal.

5. A review of the applicant's service records shows:

a. On 9 December 1969, he was inducted into the Army of the United States. He held military occupational specialty 11E, Armor Crewman.

b. Special Orders (SO) Number 35, issued from Headquarters (HQ), U.S. Army Training Center (USATC), Fort Campbell, 5 February 1970, awarded him the Expert Marksmanship Qualification Badge with Rifle Bar (M-14).

c. SO Number 48, issued from HQ, USATC, Fort Campbell, 18 February 1970, awarded him the Expert Marksmanship Qualification Badge with Rifle Bar (M-16).

d. SO Number 61, issued from HQ, 1st Training Brigade, USATC, Fort Knox, 9 April 1970, awarded him the Expert Marksmanship Qualification Badge with Pistol Bar (.45 caliber).

e. On 16 November 1970, he was ordered to Vietnam and on 29 June 1970, he was assigned to D Troop, 17th Cavalry, 199th Light Infantry Brigade, Vietnam.

f. General Orders Number 153, issued from HQ, 24th Evacuation Hospital, dated 4 July 1970, awarded him the Purple Heart.

g. On 25 August 1970, he returned from Vietnam to the continental United States.

h. His DD Form 20 (Enlisted Qualification Record) shows in:

(1) item 31 (Foreign Service) – U.S. Army Pacific-Vietnam from 13 June 1970 to 12 July 1970; U.S. Army Pacific-Japan from 13 July 1970 to 22 July 1970;

(2) item 33 (Appointments and Reductions) – no reductions;

(3) item 38 (Record of Assignments) – he received all "excellent" conduct and efficiency ratings during his active duty service; he was assigned to D Troop, 17th Cavalry, 199th Light Infantry Brigade, Vietnam, from 29 June 1970 to 11 July 1970, and he participated in two campaigns;

(4) item 41 (Awards and Decorations) – he was awarded or authorized: National Defense Service Medal and Vietnam Service Medal.

(5) item 44 (Lost Time Under section 972, Title 10, United States Code, and Subsequent to Normal Date Expiration of Term of Service) – no entries.

i. On 9 September 1971, he was honorably released from active duty and transferred to control of the U.S. Army Reserve Control Group (Annual Training). His DD Form 214 shows he completed 1 year, 9 months, and 1 day of active service with no lost time. item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) – he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal with one bronze service star
- Vietnam Campaign Medal with Device (1960)

6. His records are void of a commander's disqualification, void of any disciplinary actions, and void of orders awarding him the Army Good Conduct Medal (1st Award).

7. A review of the Awards and Decorations Computer-Assisted Retrieval System, an index of general orders issued during the Vietnam era between 1965 and 1973 maintained by the U.S. Army Human Resources Command Military Awards Branch, failed to reveal any orders for the AGCM (First Award) for the period 9 December 1969 to 9 September 1971 pertaining to the applicant.

BOARD DISCUSSION:

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

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant served on active duty from 9 December 1969 to 9 September 1971, completing 1 year, 9 months, and 1 day of active service, with no lost time. He received excellent conduct and efficiency ratings throughout his service. His service record is void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal. The Board determined he meets the criteria for this award.

2. 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

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

BOARD DETERMINATION/RECOMMENDATION:

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 9 December 1969 through 9 September 1971
- Adding awards of the Army Good Conduct (1st Award) to his DD Form 214

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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 records contain sufficient evidence to support additional awards not shown on his DD Form 214 and should be administratively corrected to show in item 24, award of:

- Purple Heart
- Two bronze service stars to his previously issued Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14) and (M-16)
- Expert Marksmanship Qualification Badge with Pistol Bar (.45 caliber)

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 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

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 AGCM is awarded to on a selective basis to each Soldier who distinguishes himself or herself from among his or her fellow Soldiers by exemplary conduct, efficiency, and fidelity throughout a specified period of continuous enlisted active Federal military service. There is no right or entitlement to the medal until the immediate commander has approved the award and the award has been announced in permanent orders.

(1) The periods of service of qualifying service are: (1) each 3 years completed on or after 27 August 1940; (2) for the first award only, 1 year served entirely during the period 7 December 1941 to 2 March 1946; (3) 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; (4) for the first award only, upon termination of service on or after 27 June 1950 of less than 1 year when final separation was by reason of physical disability incurred in line of duty; or (5)

for the first award only, for those individuals who died before completing 1 year of active Federal military service or if the death occurred in the line of duty.

(2) Throughout a qualifying period of service, the enlisted Soldier's character must have been above reproach and must meet all of the following criteria for award of the AGCM as indicated in the Soldier's record: willingly complied with the demands of the military environment, been loyal and obedient to his or her superiors, faithfully supported the goals of his or her organization and the Army, and conducted himself or herself in an exemplary manner as to distinguish him or her from fellow Soldiers.

b. The VSM was awarded to all service 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. 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 it participated in combat or was under orders in the combat zone and served at a normal post of duty.

4. Army Regulation 672-5-1 (Decorations and Awards), in effect at the time, stated the AGCM was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940; for the 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), Effective 1 February 1967, prescribed the separation documents that would be furnished each individual who was separated from the Army including Active Duty Training personnel and established standardized procedures for the preparation and distribution of these documents. All available records would be used as a basis for the preparation of the DD Form 214, including DA Form 20, DA Form 66, and orders.

a. In item 24, enter from item 21, DA Form 66 (Officer Qualification Record), or section 9, DA Form 20 (Enlisted Qualification Record) all decorations, service medals, campaign credits, and badges awarded or authorized, omitting authorities cited therein.

b. In item 30(13) (Remarks), in part, if the individual lost any time prior to normal ETS as indicated in section 6, DA Form 20, enter the total number of days lost with inclusive dates. Example: "4 days lost under 10 U.S.C. 972 from 10 Nov 58 through 13 Nov 58."

6. DA PAM 672-3 (Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register (January 1960 – February 1986)) shows:

a. The applicant participated in two campaigns:

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

b. His unit of assignment in Vietnam, D Troop, 17th Cavalry, 199th Light Infantry Brigade, was awarded:

- Republic of Vietnam Gallantry Cross with Palm Unit Citation by DAGO Number 51, 1971, for the period 19 June 1968 to 31 July 1970
- Republic of Vietnam Civil Actions Honor Medal First Class Unit Citation by DAGO Number 51, 1971, for the period 12 December 1966 to 31 August 1970

//NOTHING FOLLOWS//