

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 June 2024

DOCKET NUMBER: AR20230011983

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 15 March 1971 to show award of the:

- Army Good Conduct Medal (AGCM) (1st Award)
- additional bronze service stars to be worn on the Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- all other authorized awards not listed on his DD Form 214

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214

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 served his country honorably in a combat zone during a time of war when others refused to participate. Please take this into consideration. He also annotated his application to show that he suffers from post-traumatic stress disorder.
3. The applicant was inducted into the Army of the United States and entered onto active duty on 6 August 1969.
4. His DA Form 20 (Enlisted qualification Record) includes the following entries and/or information:
  - a. Block 29 (Qualifications in Arms) shows the following weapons qualifications:
    - Expert, M-14 Rifle, 10 September 1969

- Expert, M-16 Rifle, 29 November 1969

b. Blocks 31 (Foreign Service) and 38 (Records of Assignments) show:

- he received all excellent conduct and efficiency ratings
- he served in Vietnam from 4 January 1970 to 15 March 1971
- he was assigned to Company E, United States Army Depot Long Binh, Vietnam from 9 January 1970 to 12 March 1971

c. Block 41 (Awards and Decoration) shows he was awarded or authorized the following awards:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)

5. The Department of the Army Pamphlet 627-3 (Unit Citation and Campaign Participation Credit Register) shows:

a. During the period of the applicant's service in Vietnam from 4 January 1970 to 15 March 1971, he participated in the following three campaigns:

- Vietnam Winter-Spring 1970, 1 November 1969 - 30 April 1970
- DA Sanctuary Counteroffensive, 1 May 1970 - 30 June 1970
- Vietnam Counteroffensive, Phase VII, 1 July 1970 - 30 June 1971

b. United States Army Depot, Long Binh was awarded the Meritorious Unit Commendation for the period 1 September 1968 – 31 July 1969, by Department of the Army General Orders number 39, dated 1970. However, the period of this awards occurred prior to the applicant's service with this unit.

c. DAGO number 8, dated 1974, announced award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation for service in Vietnam to the following units (Note: this order applied to all units in Vietnam who were not otherwise awarded this unit award:

(1) Headquarters, United States Military Assistance Command, and its subordinate units during the period 8 February 1962 to 28 March 1973.

(2) Headquarters, United States Army Vietnam, and its subordinate units during the period 20 July 1965 to 28 March 1973.

6. He was honorably released from active duty on 15 March 1971. The DD Form 214 he was issued shows:

a. he completed 1 year, 7 months, and 10 days of net active service, of which 1 year, 2 months, and 12 days were credited as foreign service un United States Army Pacific Command (USARPAC)/Vietnam from 7 January 1970 to 15 March 1971.

b. he was awarded or authorized the following awards:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)

7. The applicant's record does not contain any record of a commander's disqualification for award of the Army Good Conduct Medal (1st Award) or any other documentation showing he was disqualified from receiving this award.

#### 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. The applicant served on active duty from 6 August 1969 to 15 March 1971, completing 1 year, 7 months, and 10 days of net active service. He received excellent conduct and efficiency ratings. 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
:	:	:	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 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 6 August 1969 through 15 May 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): administratively correct the applicant's DD Form 214 for the period ending 15 March 1971 to add the following awards:

- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- Vietnam Service Medal with 3 bronze service stars
- 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 672-5-1 (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 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.

3. Army Regulation 600-8-22, currently in effect, states 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.

4. Army Regulation 600-8-22 also states a bronze service star is authorized with the Vietnam Service Medal for each Vietnam campaign a member is credited with participating in. Appendix B shows that during his service in Vietnam, participation credit was awarded for the following three campaigns:

- Vietnam Winter - Spring 1970, 1 November 1969 - 30 April 1970
- Sanctuary Counteroffensive, 1 May - 30 June 1970
- Vietnam Counteroffensive Phase VII, 1 July 1970 - 30 June 1971

5. Department of the Army Pamphlet 672-3 states Department of the Army General Orders Number 8, dated 1974, announced 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.

//NOTHING FOLLOWS//