

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 July 2024

DOCKET NUMBER: AR20230012203

APPLICANT REQUESTS: award of the Vietnam Service Medal.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- DA Form 20 (Enlisted Qualification Record)
- DD Form 1351-2 (Travel Voucher or Sub-voucher)
- Title 32, Code of Federal Regulations (CFR), Subsection 578.26 (Vietnam Service Medal)

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 is requesting award of the Vietnam Service Medal for his service in Thailand from 1973 to 1974. He was in Thailand during the authorized period of service.
3. The applicant provides:
 - a. A completed DD Form 1351-2 from travel to Thailand. The DD Form 1351-2 shows details of travel expense reimbursement for travel from 10 September 1973 to 14 September 1973.
 - b. An extract of 32 CFR 578.26 shows the criteria and qualifications for issuance of the VSM from 3 July 1965 through 28 March 1973. Members of the Armed Forces of the United States in Thailand, Laos, or Cambodia, or the airspace thereover, during the same period and serving in direct support of operations in Vietnam are also eligible for this award.

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

a. He enlisted in the Regular Army on 15 February 1973.

b. His DA Form 20 (Enlisted Qualification Record) shows he served in Thailand from 30 June 1973 to 17 November 1974 as a 75D, Records Clerk. It also shows:

(1) Item 38 (Record of Assignments) shows was assigned as follows:

- 15 June 1973, Casual, Enroute to U.S. Army Pacific (USARPAC)
- 14 July 1973, Records Clerk, U.S. Army Personnel and Administrative Services Activity, USARPAC – Thailand

(2) The applicant received all excellent conduct and efficiency ratings and his service record did not contain any evidence of nonjudicial punishment and/or court-martials.

c. Three letters of appreciation show the applicant was tasked with converting personnel records. He provided untiring help, untiring devotion, and was highly professional in his support as a records clerk for the U.S. Army Medical Department Activity (USAMEDDAC). He was a contributing member to their efforts of converting the DA Form 2-1 two months prior to the Department of the Army goal.

- 22 April 1974 – Sergeant First Class DLC
- 5 June 1974 – Captain WBZ, Commanding
- 6 September 1974 – Master Sergeant MGK, Records Section

d. The applicant was honorably released from active duty on 14 November 1974. His DD Form 214 (Report of Separation from Active Duty) shows he completed 1 year and 9 months of active service with no lost time. It also shows he was authorized the:

- National Defense Service Medal
- Marksman Marksmanship Qualification Badge with Rifle Bar
- Expert Marksmanship Qualification Badge with Hand Grenade Bar

e. His available service record is void of a commander's recommendation for the Army Good Conduct Medal.

5. By regulation (AR 600-8-22), 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. Members in Thailand, Laos, or Cambodia during the same period and serving in direct support of operations in Vietnam are also eligible for this award.

6. By regulation (AR 672-5-1), the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active service, 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 and there must be no convictions by a court-martial. 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

- he completed 3 years
- he received all excellent conduct and efficiency ratings throughout his military service
- there is no record of a court-martial conviction

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. Vietnam Service Medal: Deny. Award of Vietnam Service Medal is reserved to those Soldiers who served in Vietnam. However, Soldiers who were stationed in selected locations outside Vietnam and provided direct support to the war effort in Vietnam are also eligible for those medals. Members in Thailand who served in direct support of operations in Vietnam are also eligible for this award. "Direct support" is defined as services being supplied the combat forces in the area of operations by ground units, ships, and aircraft providing supplies and equipment to the forces concerned, provided it involves actually entering the designated area, and ships and aircraft providing fire, patrol, guard, reconnaissance, or other military support. The Board found insufficient evidence the applicant provided direct support or entered Vietnam. As a result, there is insufficient evidence to support awarding him the Vietnam Service Medal.

b. As a related award, although not specifically requested by the applicant, the Board noted that the applicant served on active duty from 15 February 1973 to 14 November 1974, completing 1 year and 9 months of 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:

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 the applicant the Army Good Conduct Medal (1st Award) for service during the period 15 February 1973 through 14 November 1974
- adding award 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 awarding him the Vietnam Service 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.

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 military awards. 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. Members in Thailand, Laos, or Cambodia during the same period and serving in direct support of operations in Vietnam are also eligible for this award. Direct support is defined as services being supplied to participating forces in the area of eligibility and includes:

- units, ships, and aircraft providing it involves actually entering the designated area
- ships and aircraft providing fire, patrol, guard, reconnaissance, or other military support within the designated area of eligibility
- bronze service stars are not authorized on the VSM when awarded for service in Thailand, Laos, or Cambodia

3. 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. 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.

//NOTHING FOLLOWS//