

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 16 July 2024

DOCKET NUMBER: AR20230012232

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), ending on 8 December 1969, to show the following:

- he was promoted to the rank/grade of sergeant (SGT)/E-5 vice specialist four (SP4)/E-4
- add Military Occupational Specialty (MOS) 05C (Radio Teletype Operator)
- Add the award of the Vietnamese Parachutist Badge

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

- DD Form 149 (Application for Correction of Military Record)
- Special Orders Number 812, 14 November 1969
- Final Pay Coversheet and DA Form 2139 (Military Pay Voucher)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 pertinent part, prior to his discharge he was promoted to the rank/grade of SGT/E-5 and awarded "Vietnam's jump wings." However, both are missing from his DD Form 214.

3. A review of the applicant's available service record reflects the following:

a. On 8 May 1968, he was inducted into the Army of the United States. He completed training and was awarded military occupational specialty 05C, Radio-Teletype Operator.

b. The applicant's DA Form 20 (Enlisted Qualification Record) reflects the following:

(1) Item 31 (Foreign Service) USARPAC – Vietnam, from 8 December 1968 to 7 December 1969.

(2) Item 33 (Appointments and Reductions) shows:

- Private (PV1)/E-1 (Permanent(P)), effective 8 May 1968
- Private (PV2)/E-2(P), effective 8 September 1968
- Private First Class (PFC)/E-3(P), effective 8 November 1968
- SP4/E-4 (Temporary(T)), effective 5 May 1969

(3) Item 38 (Record of Assignments) shows the applicant had all "excellent" for conduct and efficiency.

(4) Item 41 (Awards and Decorations) shows: National Defense Service Medal, Vietnam Service Medal, Vietnam Campaign Medal with 1960 Device, Vietnam Parachutist Badge, 2 Overseas Service Bars, and Republic of Vietnam Gallantry Cross with Palm Unit Citation.

c. On 14 November 1969, Headquarters, 5th Special Forces Group (Airborne), 1st Special Forces issued Special Orders Number 812 for temporary promotion to the rank/grade of SGT with a retroactive effective date of 5 November 1969.

d. On 1 December 1969, Headquarters, 5th Special Forces Group (Airborne), 1st Special Forces issued General Orders Number 1951 for the award of the Army Commendation Medal with a rank of SGT.

e. On 8 December 1969, Headquarters, U.S. Army Personnel Center issued Special Orders Number 342 releasing him from active duty in the rank/grade of SGT/E-5 and assigning him to the U.S. Army Reserve Control Group (USAR) (Annual Training).

f. The applicant's DD Form 214, ending 8 December 1969 reflects an honorable release from active duty and transfer to the USAR Control Group (Annual Training) with service from 8 May 1968 to 8 December 1969 for a net service this period of 1 year, 7 months, and 1 day.

(1) Item 5a (Grade, Rate or Rank) shows SP4 (T).

(2) Item 6 (Date of Rank) 5 May 1969

(3) Item 22c (Foreign and/or Sea Service) shows USARPAC 1 year.

(4) Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) shows:

- National Defense Service Medal
- Expert Marksmanship Qualification Badge with Rifle Bar (M-14)
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- Vietnam Service Medal
- Vietnam Campaign Medal
- Parachutist Badge
- 2 Overseas Service Bars

(5) Item 30 (Remarks) shows Item 5a: PFC (P) E-3 Appointed 8 November 1968

g. The applicant's official records are void of any derogatory information or non-judicial punishment under the provisions of the Uniform Code of Military Justice.

h. On 25 April 1974, the U.S. Army Reserve Components Personnel and Administration Center issued Letter Orders Number 04-1134483 honorably discharging him from the USAR in the rank/grade of SP4/E-4, effective 1 May 1974.

4. The applicant provides the DA Form 2139 (Military Pay Voucher) and coversheet showing his final pay voucher, covering 1-8 December 1969 at the rank of SGT.

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 not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Grade: Grant. The evidence shows the applicant served on active duty from 8 May 1968 to 8 December 1969. His service record contains orders issued by Headquarters, 5th Special Forces Group (Airborne), for temporary promotion to the rank/grade of SGT with a retroactive effective date of 5 November 1969. He was released from active duty in the rank of SGT/E-5. His DD Form 214 incorrectly listed his grade as SP4/E-4. Therefore, the Board determined an error was committed.

b. Primary Specialty: No action. The applicant's DD Form 214 already shows his MOS/primary specialty as 05C. No further correction is required.

c. Vietnamese Parachutist Badge: Deny. The Board noted that the record does not reflect, and the applicant does not provide evidence he was awarded a Parachutist Badge by the Republic of Vietnam at the time, or that he was authorized to be accepted or worn by the Adjutant General at the time.

d. As a related award, although not specifically requested by the applicant, the Board noted that the applicant served continuously on active duty from 8 May 1968 to 8 December 1969, completing 1 year, 7 months, and 1 day of continuous active duty 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).

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

:	:	:	GRANT FULL RELIEF
■	■	■	GRANT PARTIAL RELIEF
:	:	:	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 (1st Award) for service during the period 8 May 1968 through 8 December 1969, amending the applicant's DD Form214 as follows:

- Blocks 5a and 5b, delete SP4(T) and E-4 and add SGT (T) and E-5
- Block 6 delete 5 May 1969 and add 5 November 1969
- Block 24, add the Army Good Conduct (1st Award)
- Block 32, delete "Item 5a: PFC (P) E-3 Appointed 8 Nov 68" and add "Item 5a: SP4 (P) E-4 Appointed 5 May 1969"

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 adding the Vietnamese Parachutist Badge.



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):

1. Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214 for the period ending 8 December 1969, by amending the following:

a. Delete the following awards:

- Vietnam Service Medal
- Vietnam Campaign Medal

b. Adding the following awards:

- Vietnam Service Medal with four bronze service stars
- Vietnam Campaign Medal with 1960 Device
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Army Commendation Medal
- Meritorious Unit Commendation
- Republic of Vietnam Civil Actions Honor Medal First Class

2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.

- DD Form 214
- DA Form 20 (Enlisted Qualification Record)
- General Orders Number 1951, dated 1 December 1969, ARCOM
- Department of the Army General Orders (DAGO) Number 8, dated 1974

- DAGO Number 70, dated 1969
- DAGO Number 48, 1971
- AR 600-8-22 (Military Awards)

3. Please correct the applicant's DD Form 214 by amending the awards shown in paragraph 1 above. Provide the applicant a copy of the corrections, and as applicable the medal. Please ensure that the corrections are recorded in the applicant's official military personnel record.

REFERENCES:

1. Title 10, USC, 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 (AR) 635-5 (Separation Documents) in effect at the time prescribes the separation documents that will be furnished each individual who is separated from the Army. Source documents will consist of DA Form 20. Item 5a; enter the grade in which serving at the time of separation, indicating whether permanent or temporary. Item 30; if grade as shown in item 5 is not permanent, enter permanent grade, date of appointment, and date of rank if different from date of appointment.

3. AR 600-200 (Enlisted Personnel Management System) in effect at the time states:

a. Section 7-3 (Authority to promote) states pay grades E-5 and E-6. Field grade commanders of any organization which is authorized a commander in the grade of lieutenant colonel or higher may promote assigned personnel to pay grades E-5 and E-6.

b. Section 7 (Appointment of Acting Non-Commissioned Officers (NCO's)), sub section 7-52 (Units), Company, troop, battery, and separate detachment commanders. may appoint qualified soldiers as acting corporals, E-4, and sergeants, E-5. They will serve in vacant positions in their units at their present or higher grade. This includes those caused by temporary –absences of assigned NCOs. For acting corporal, E-4, and sergeant/E-5, the Soldier may not be more than one grade lower than the one to which appointed.

4. AR 600-8-22 (Military Awards) states the Army Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity. Although there is no automatic entitlement to the Army Good Conduct Medal,

disqualification must be justified. Any one of the following periods of continuous enlisted active Federal military service qualifies for award:

- Each 3 years 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
- For first award only, upon termination of service on or after 27 June 1950 of less than 3 years but more than 1 year

//NOTHING FOLLOWS//