

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 July 2024

DOCKET NUMBER: AR20230012305

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 26 February 1971 to show his service in Vietnam.

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- DA Form 20 (Enlisted Qualification Record) (page 4 only), 26 January 1971

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 performed temporary duty (TDY) as an armament repairman at Camp J.J. Carroll, Vietnam, for about 90 to 120 days from July 1970 to October 1970 while assigned to Korea; however, the TDY orders were not filed in his records. He believes correction of his DD Form 214 will expedite his Department of Veterans Affairs claim for compensation for exposure to Agent Orange. His DA Form 20 clearly shows he was in Vietnam during the Tet 69 Counteroffensive 1969 (23 February 1969-8 June 1969) and Vietnam Summer-Fall 1969 (9 June 1969-31 October 1969) Campaigns.
3. He enlisted in the Regular Army on 29 February 1968. He was awarded military occupational specialty 76Y (Supply Specialist) effective 6 May 1968.
4. Headquarters, 38th Replacement Battalion, Korea, Special Orders Number 51, 4 March 1969, assigned him to 6th Battalion, 12th Artillery Regiment, Korea, effective 3 March 1969.
5. Headquarters, I Corps (Group) Artillery, Korea, Special Orders Number 273, 20 November 1969, promoted him to the temporary rank of sergeant effective

20 November 1969 and awarded him primary military occupational specialty 13B (Field Artillery Crewman).

6. He departed Korea en route to Fort Carson, CO, on 19 March 1970.

7. Item 31 (Foreign Service) of his DA Form 20 shows he received overseas tour credit for service in U.S. Army Pacific, Korea, from 28 February 1969 through 19 March 1970.

8. Item 38 (Record of Assignments) of his DA Form 20 shows he was assigned to the Service Battery, 6th Battalion, 12th Artillery Regiment, U.S. Army Pacific, Korea, from 5 March 1969 through 18 March 1970.

9. Item 39 (Campaigns) of his DA Form 20 shows the entries for the Tet 69 Counteroffensive 1969 (23 February 1969-8 June 1969) and Summer-Fall 1969 (9 June 1969-31 October 1969) Campaigns were lined through.

10. His military records are void of TDY orders or other documentation showing he served in Vietnam.

11. He was honorably released from active duty on 26 February 1971. He completed 2 years, 11 months, and 28 days of net active service during this period, including 1 year and 22 days of foreign service. His DD Form 214 shows he was awarded or authorized the:

- National Defense Service Medal
- Armed Forces Expeditionary Medal

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records the Board determined the governing regulation provides that at separation the service member's record will be used to enter accurate information when completing their DD Form 214. The Board found insufficient evidence to support the applicant served in the Republic of Vietnam. Based on this, the Board denied relief.

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 FULL RELIEF |
| : | : | : | GRANT PARTIAL RELIEF |
| : | : | : | GRANT FORMAL HEARING |
| █ | █ | █ | DENY APPLICATION |

BOARD DETERMINATION/RECOMMENDATION:

Except for the correction addressed in Administrative Note(s) below, the Board found the evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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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 NOTES:

The applicant's service records show he is authorized administrative correction of his DD Form 214 for the period ending 26 February 1971 without Board action by adding in item 24(Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) – Korea Defense Service Medal

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 policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. Board members will review all applications that are properly before them to determine the existence of an error or injustice and direct or recommend changes in military records to correct the error or injustice, if persuaded that material error or injustice exists and that sufficient evidence exists in the record. The ABCMR will decide cases on the evidence of record; it is not an investigative body. 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 Army policy, criteria, and administrative instructions concerning individual and unit military awards.

a. The Vietnam Service Medal 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 Vietnam Service Medal for each campaign during which a member was assigned or attached and present for duty with a unit during the period in which it participated in combat.

b. Table B-1 (Campaigns, Service Requirements, and Inscriptions Prescribed for Streamers) shows participation credit was awarded, in part, for the following Vietnam campaigns (coinciding with the applicant's service in Korea):

- Tet 69 Counteroffensive – 23 February 1969-8 June 1969
- Vietnam Summer-Fall 1969 – 9 June 1969-31 October 1969
- Vietnam Winter-Spring 1970 – 1 November 1969-30 April 1970

//NOTHING FOLLOWS//