

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 June 2024

DOCKET NUMBER: AR20230012612

APPLICANT REQUESTS: correction his DD Form 214 (Report of Separation from Active Duty) for the period ending 19 September 1977 to show he was awarded the National Defense Service Medal and a personal appearance before the Board via telephone or video.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, ending 19 September 1977
- Stark County Veterans Service Commission Claim Request Form
- National Personnel Records Center (NPRC) Letter

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, he should be awarded the National Defense Service Medal as he served on active duty from 27 September 1974 to 19 September 1977. At the time of his enlistment the Vietnam War was still ongoing and did not officially end until 7 May 1975.

3. The applicant's service record was unavailable for review as it was checked out to another agency. However, his DD Form 214 contains sufficient information to address his request.

a. The applicant enlisted in the Regular Army on 27 September 1974.

b. His DD Form 214 reflects an honorable release from active duty and transfer to the U.S. Army Reserve Control Group (Reinforcement) with service from 27 September 1974 to 19 September 1977 for a net active service this period of 2 years, 11 months, and 23 days. Item 26 (Decorations, Medals, Badges, Commendations, Citations and

Campaign Ribbons Awarded or Authorized) shows Marksman Marksmanship Qualification Badge with Rifle Bar (M-16).

4. The applicant provides the following:

a. Stark County Veterans Service Commission Claim Request Form showing he is requesting amendment to his discharge documentation.

b. NPRC Letter notifying the applicant that he must contact the Army Review Boards Agency for assistance with correcting his service record.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted. The Board found the available evidence sufficient to consider this case fully and fairly without a personal appearance by the applicant.

2. The period of eligibility for the National Defense Service Medal during the Vietnam era began on 1 January 1961 and ended on 14 August 1974. The applicant enlisted in the Regular Army on 27 September 1974, outside of the period of eligibility. The Board noted there is no authority to make exceptions to the periods of eligibility established for the National Defense Service Medal and therefore determined the applicant is not eligible for this medal.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

: : : GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

■ ■ ■ DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

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.

12/9/2024

X 

CHAIRPERSON


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, 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) 600-8-22 (Military Awards), Paragraph 2-10b states, in effect, the National Defense Service Medal was established on 22 April 1953 and is awarded for honorable active service for any period between:

- 27 June 1950 and 27 July 1954 (Korea), both dates inclusive
- 1 January 1961 and 14 August 1974 (Vietnam), both dates inclusive
- 2 August 1990 and 30 November 1995 (Persian Gulf)
- 11 September 2001 to a date to be determined (Global War on Terrorism)

3. AR 635-5 (Separation Documents), in effect at the time, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214. Item 26; the instructions stated to list awards and decorations for all periods of service.

4. AR 15-185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that

applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//