

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 July 2024

DOCKET NUMBER: AR20230012738

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show:

- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- any other awards he is authorized

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, for the period ending 4 August 1969

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's records contain sufficient evidence to support administrative corrections to his DD Form 214 and will be listed in the administrative notes section.

3. A review of the applicant's service records show:

a. On 3 November 1966, he enlisted in the Regular Army.

b. His DA form 20 (Enlisted Qualification Record) shows in:

(1) item 31 (Foreign Service) – Service in Vietnam 30 March 1968 to 16 July 1968;

(2) item 33 (Appointments and Reductions) – he was promoted the rank/grade of specialist 4/E-4 (Temporary) on 4 June 1968;

(3) item 38 (Record of Assignments) – he received all "excellent" conduct and efficiency ratings while he was on active duty; he was assigned to 1st Battalion, 5th Cavalry, 2nd Armored Division and he participated in three campaigns;

(4) item 41 (Awards and Decorations) – he was awarded or authorized:

- National Defense Service Medal
- Combat Infantryman Badge
- Air Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Silver Star
- Purple Heart
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-14)

(5) item 42 (Remarks) – released for Infantry OCS due to administrative error on 2 May 1967; and

(6) item 44 (Lost Time Under section 972, Title 10, United States Code, and Subsequent to Normal Date Expiration of Term of Service) – no entries.

c. On 4 August 1969, he was honorably released from active duty transferred to the control of the U.S. Army Reserve. His DD Form 214 shows he completed 2 years, 9 months, and 2 days of active service with no lost time. It further shows in:

(1) item 5a (Grade, Rate, or Rank) – specialist 4/E-4;

(2) item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) – he was awarded or authorized:

- National Defense Service Medal
- Combat Infantryman Badge
- Air Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Marksman Marksmanship Qualification Badge with Rifle Bar (M-14)
- Silver Star
- Purple Heart

(3) item 26a (Non-Pay Periods Time Lost (Preceding Two Years)) – none; and

(4) item 30 (Remarks) – in part, no record of time lost or court-marital convictions.

4. His records are void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal for the period 3 November 1966 to 4 August 1969.

5. A review of the Awards and Decorations Computer-Assisted Retrieval System, an index of general orders issued during the Vietnam era between 1965 and 1973 maintained by the U.S. Army Human Resources Command Military Awards Branch, failed to reveal any orders for the Army Good Conduct Medal (First Award) or any other awards not authorized pertaining to the applicant.

#### 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 Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. Upon review of the applicant's petition and available military records, the Board determined there was sufficient evidence, including his active service from 3 November 1966 to 4 August 1969 with service in the Republic of Vietnam from 30 March 1968 to 16 July 1968 (three campaigns) to grant relief. Specifically, the applicant was assigned to 1st Battalion, 5th Cavalry while the unit was awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation by Department of the Army General Orders Number 59, 1969, for the period 9 August 1965 to 19 May 1969. The Board noted the applicant's record shows excellent conduct and efficiency ratings and is void of any derogatory information. As such, the Board determined the applicant qualifies for award of the Army Good Conduct Medal (First Award) for the period 3 November 1966 to 4 August 1969.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by:

- awarding him the Army Good Conduct Medal (First Award) for exemplary service from 3 November 1966 to 4 August 1969
- adding:
  - Army Good Conduct Medal (First Award)
  - Republic of Vietnam Gallantry Cross with Palm Unit Citation
  - three bronze service stars to his previously awarded Vietnam Service Medal

█

█ █  
\_\_\_\_\_

█  
████████████████████

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 and unit military awards.

a. 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
- For first award only, upon termination of service, on or after 27 June 1950, of less than 1 year when final separation was by reason of physical disability incurred in line of duty
- For first award only, for those individuals who died before completing 1 year of active Federal service if the death occurred in the line of duty

b. 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 to and present for duty with a unit during the period in which it participated in combat or was under orders in the combat zone and served at a normal post of duty.

3. Army Regulation 672-5-1 (Decorations and Awards), in effect at the time, stated the Army Good Conduct Medal (AGCM) was awarded for each 3 years of continuous enlisted active Federal military service completed on or after 27 August 1940; for the 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.

4. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register (January 1960 – February 1986)), in effect at the time, shows:

a. 1st Battalion, 5th Cavalry was awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation by Department of the Army General Orders Number 59, 1969, for the period 9 August 1965 to 19 May 1969.

b. He participated in three campaigns:

- TET Counteroffensive, 30 January 1968—1 April 1968
- Vietnam Counteroffensive, Phase IV, 2 April 1968—30 June 1968
- Vietnam Counteroffensive, Phase V, 1 July 1968—1 November 1968

//NOTHING FOLLOWS//