

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 June 2024

DOCKET NUMBER: AR20230013087

APPLICANT REQUESTS:

- correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), covering the period ending 25 January 1969, to reflect:
 - R____ D____ M____ (legal name) in lieu of D____ L____ T____ Jr (assumed name)
 - his service in Vietnam
 - his assignment to the 82nd Airborne Division
 - in effect, all awards and decorations to which he is entitled
- and the issuance of a second DD Form 214, reflecting his service from 1969 through 17 November 1971

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

- DD Form 149 (Application for Correction of Military Record)
- multiple self-authored statements
- partial DD Form 4 (Enlistment Record – Armed Forces of the United States), 19 November 1965
- Navy Personnel Form 601-14 (Record of Discharge Release from Active Duty, or Death), 19 March 1968
- Bureau of Naval Personnel, Administrative Remarks, 3 May 1968
- DD Form 214, ending 25 January 1969
- DD Form 215 (Correction to DD Form 214), 1 July 1983
- birth certificate
- driver's license
- Social Security Administration card

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:

a. He went absent without leave (AWOL) from the U.S. Navy in order to enlist into the Regular Army under the assumed name of D____ L____ T____ Jr. The Navy gave him an honorable discharge because the Army signed a waiver for fraudulent enlistment. He needs his DD Form 214 corrected to reflect his legal name instead of his assumed name.

b. He also requests correction of his DD Form 214 to reflect his time in Vietnam and to show his assignment to the 82nd Airborne Division in Vietnam in 1968. He served two tours in Vietnam. His first tour was with A Company, 2nd Battalion (Airborne), 327th Infantry Regiment, 101st Airborne Division from September 1966 through September 1967; he is unsure of the exact dates. His second tour in Vietnam was with B Company, 3rd Battalion (Airborne), 505th Infantry Regiment, 82nd Airborne Division, from February or March 1968 through July or August 1968; again, he is not certain of the exact dates, but the time was served, and he would like the credit. He would also like a list of all awards or decorations to which he is entitled.

c. His second enlistment was in late 1969 to 17 November 1971. He had a DD Form 214 for that period, but it was lost during Hurricane Katrina. When he tried to get a copy of it, the Department of the Army told him that Reservists do not get issued DD Forms 214, but he never served in the Reserve. All of his service was active.

d. He served in Berlin, Germany, first with B Company, 4th Battalion, 18th Infantry Regiment and second with the 287th Military Police (MP) Company. During this period of time, he was promoted to sergeant (SGT)/E-5 and his family was with him. While in Germany, he had his name changed back to his legal name, R____ D____ M____ , through the Berlin Brigade Personnel Department.

e. During this assignment, he and his family went on leave from Germany to the States in late summer 1971, because of personal problems with his wife's ex-husband, and he had a compassionate reassignment to 5th MP Company at West Point, NY. He eventually had to get a hardship discharge under honorable conditions. Upon his discharge, his DD Form 214 reflected his name as R____ D____ M____ (legal name). He held this document in his hands! Regardless of what the Army says, he received a DD Form 214 for his second enlistment.

3. A DD Form 4 shows the applicant enlisted in the Regular Army for an initial enlistment on 19 November 1965, with no prior service. His name is reflected on his Enlistment Record as D____ L____ T____ Jr (assumed name).

4. The applicant's available service records do not contain a DA Form 20 (Enlisted Qualification Record), which would provide detailed information regarding all of his units of assignment and dates thereof, to include in Vietnam, campaign participation, and awards.

5. U.S. Army Personnel Center Fort Dix Summary Court-Martial Order Number 32, dated 29 August 1966, shows:

a. The applicant was arraigned and tried before a Summary Court-Martial, which convened at Fort Dix, NJ, on 26 August 1966, where he was charged with and found guilty of:

(1) Absenting himself without proper authority from the U.S. Army Oversea Replacement Station, U.S. Army Personnel Center Fort Dix, NJ, from 25 May 1966 through 24 June 1966.

(2) Absenting himself without proper authority from the U.S. Army Oversea Replacement Station, U.S. Army Personnel Center Fort Dix, NJ, from 3 August 1966 through 4 August 1966.

b. He was sentenced to reduction of the grade of private (PVT)/E-1 and forfeiture of \$64.00 per month for 1 month.

c. On 29 August 1966, the sentence was approved and ordered executed.

d. The applicant's name is reflected on the orders as D____ L. T____ Jr (his assumed name).

6. Company A, 2nd Battalion (Airborne), 327th Infantry Regiment, 1st Brigade, 101st Airborne Division Unit Orders Number 6, dated 30 January 1967, reduced the applicant in rank and grade to PVT/E-1, effective 27 January 1967, due to misconduct. The applicant's name is reflected on the orders as D____ L. T____ Jr (assumed name).

7. A U.S. Department of Justice, Federal Bureau of Investigation (FBI) Identification Record, dated 10 August 1967, shows the following data furnished to the FBI by fingerprint contributors:

- the U.S. Navy provided fingerprints for R____ D____ M____ (legal name), arrested or received on 17 April 1963
- the Post Stockade, Fort Dix, NJ, provided fingerprints for D____ L____ T____ (assumed name), arrested or received on 4 August 1966, resulting in inquiry
- the U.S. Attorney General's Office, Washington, D.C., was provided information on D____ L____ T____ Jr. (assumed name) as part of an inquiry

8. An FBI Report, pertaining to R____ D____ M____ (legal name), dated 6 September 1967, shows:

a. R____ D____ M____ (legal name), absented himself from the U.S. Naval Training Station, Norfolk, VA on 22 August 1965. As D____ L____ T____ Jr. (assumed name), he then enlisted in the U.S. Army on 19 November 1965, in NH, for 3 years, claiming no prior service.

b. Records from the U.S. Army Personnel Services support Center, Fort Benjamin Harrison, Indiana, reflect that the subject as D____ L____ T____ Jr (assumed name), was assigned to the U.S. Army Reception Station at Fort Dix, NJ, to receive Basic Combat Training (BCT) and subsequently received a summary court-martial for being absent without leave (AWOL) from 25 May 1966 through 24 June 1966, and again from 3 August 1966 through 4 August 1966.

c. The FBI Identification Record reflects that R____ D____ M____ (legal name) was fingerprinted by the U.S. Navy on 17 April 1963. This same record reflects he was again fingerprinted at the Post Stockade, Fort Dix, NJ, as D____ L____ T____ on 4 August 1966.

d. The latest duty roster, dated 15 April 1967, reflects the duty station of D____ L____ T____ Jr. (assumed name) to be 327th Infantry, 2nd Battalion, Army Postal Office (APO) 96347, San Francisco, CA (Vietnam).

e. On 7 August 1967, the facts in this matter were discussed with the Assistant U.S. Attorney's (AUSA) Office, NH, regarding the fraudulent enlistment aspect of this case. The AUSA advised he would decline prosecution regarding the fraudulent enlistment aspect of this case, in view of the subject's re-enlistment in the Army. The AUSA was of the opinion that the reenlistment of the subject, even though under a fictitious name, was an indication that he was not trying to avoid military service and the matter could possibly be handled administratively by the military services involved.

9. An undated Memorandum for Record shows, regarding the Naval desertion confirmed by the Personnel Evaluations Branch, Bureau of Naval Personnel on 22 June 1967, reconfirmed verbally and in writing by the same office on 12 July 1967 and 6 September 1967, that the applicant's return to the U.S. Navy was not desired.

10. An unclassified message to the Commanding General, U.S. Army Vietnam, (CGUSASRV) dated 11 September 1967, advised that information was received from the FBI and verified by the Bureau of Naval Personnel regarding PVT D____ L____ T____, A Company, 2nd Battalion, 327th Infantry Regiment, APO San Francisco. The provided information shows D____ L____ T____, Regular Army enlistee on 19 November 1965, and R____ D____ M____ (legal name), U.S. Navy deserter on 22 August 1965, are

identical. It was requested appropriate action be taken regarding the retention or separation of PVT T____ (assumed name) from the U.S. Army. His return is not desired by Naval authorities.

11. A follow-up unclassified message to the CGUSARV, dated 15 September 1967, amended the prior 11 September 1967 message to reflect action would be taken by Naval authorities to discharge R____ D____ M____ (legal name) from the Navy for the Convenience of the Government if the Army waives the fraudulent entry of PVT D____ L. T____ (assumed name).

12. A final unclassified message to the CG, 82nd Airborne Division, Fort Bragg, NC, dated 21 November 1967, furnished the same information previously provided to the CGUSARV regarding the applicant, as records indicated he was since reassigned to 2nd Battalion, 508th Infantry Regiment, 82nd Airborne Division. It shows it was requested that appropriate action be taken regarding the separation or retention of PVT D____ L. T____ (assumed name) and that action by the Navy would be taken to discharge R____ D____ M____ (legal name) if the Army waived the fraudulent enlistment of PVT D____ L. T____ (assumed name).

13. A Record of Discharge, Release from Active Duty, Or Death, issued by the Bureau of Naval Personnel, Washington D.C. on 19 March 1968, shows:

a. The applicant was retroactively discharged from the U.S. Navy effective 18 November 1965, for the convenience of the Government.

b. He enlisted in the U.S. Navy on 17 April 1963, and his discharge was effected to enlist in the U.S. Army.

c. A DD Form 256N (Honorable Discharge Certificate) was issued with an effective date of 18 November 1965.

d. The applicant's name is reflected as R____ D____ M____ (legal name).

14. A Department of the Army, Office of the Adjutant General memorandum, dated 1 April 1968, provided the CG, 82nd Airborne Division, Fort Bragg, NC, with a DD Form 256N, for further delivery to the applicant, Private First Class (PFC) D____ L. T____ (assumed name), assigned to Company A, 2nd Battalion (Airborne), 508th Infantry Regiment, at Fort Bragg, NC.

15. Enclosed with the 1 April 1968 memorandum is a DD Form 256N, reflecting the applicant's honorable discharge from the U.S. Navy effective 18 November 1965. The applicant's name is reflected on the certificate as R____ D____ M____ (legal name).

16. A Bureau of Naval Personnel memorandum dated 3 May 1968, provided the Army Separation and Retirement Affairs Division with a statement of the applicant's service for pay purposes and shows:

- he enlisted in the U.S. Navy on 17 April 1963
- he was honorably discharged from the U.S. Navy on 18 November 1965
- his U.S. Navy service included lost time from 25 August 1965 through 18 November 1965
- his name is shown as R____ D____ M____ (legal name)

17. A Bureau of Naval Personnel, Administrative Remarks memorandum, dated 3 May 1968, shows:

- an Honorable Discharge Certificate was issued for the applicant for his service ending 18 November 1965
- he was awarded or authorized the National Defense Service Medal
- his honorable discharge Certificate and Statement of Service were forwarded to the Army Separation and Retirement Affairs Division
- his name is shown as R____ D____ M____ (legal name)

18. The applicant's DD Form 214, shows:

- a. The applicant entered active duty in the Regular Army on 19 November 1965.
- b. He was honorably released from active duty on 25 January 1969, and transferred to the USAR Control Group (Reinforcement).
- c. His last duty assignment and major command was A Company, 2nd Battalion, 508th Infantry Regiment, Fort Bragg, NC, the U.S. Army (TUSA). Note the 82nd Airborne Division is not listed as his last major command.
- d. He was credited with 3 years of net active service this period, including 1 year, 1 month, and 14 days of foreign and/or sea service in the U.S. Army Pacific (USARPAC) and 52 days of lost time over numerous periods between May 1966 and August 1966 and 16 days of lost time over numerous periods between December 1967 and November 1968.
- e. He was awarded or authorized the:
 - National Defense Service Medal
 - Combat Infantryman Badge
 - Vietnam Campaign Medal with Device (1960)
 - Vietnam Service Medal

- Parachutist Badge

f. His name is shown as D____ L____ T____ Jr (assumed name).

19. The applicant's available service records do not contain documentation pertaining to his second enlistment in the Regular Army from late 1969 through 17 November 1971, to include approval of a name change and a DD Form 214 for that period of service.

20. The applicant provided copies of his birth certificate, driver's license, and Social Security card, all of which show his name to be R____ D____ M____ (legal name).

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, 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. The Board determined the evidence presented does not demonstrate the existence of a probable error or injustice. The applicant used the contested name during his entire period of service. Upon further review of the applicant's petition and available military records, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

2. The Army has an interest in maintaining the integrity of its records for historical purposes. The information in those records must reflect the conditions and circumstances that existed at the time the records were created. In the absence of evidence that shows a material error or injustice, there is a reluctance to recommend that those records be changed. The applicant is advised that a copy of this decisional document, along with his application and the supporting evidence he provided, will be filed in his official military records. This should serve to clarify any questions or confusion regarding the difference in the name recorded in his military records and to satisfy his desire to have his legal name documented in his military records.

3. The Board noted the applicant's DD form 214 accurately reflects his service in the Republic of Vietnam in block 22c (Foreign and/or Sea Service) USAPAC reflecting 1 year 1 month and 14 days. The Board found block 12 (Last Duty Assignment and Major Command already shows in last unit of Alpha 2/508th INF under 82nd Airborne Division. The Board agreed based on the applicant's service record there is no error that warrants correction to his DD Form 214. Therefore, the Board denied relief.

4. 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:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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 NOTE(S):

Amend his DD Form 214 ending 25 January 1969 at item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) by adding the Republic of Vietnam Gallantry Cross with Palm Unit Citation.

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 635-5 (Separation Documents), in effect at the time, prescribes the separation documents that must be prepared for Soldiers upon retirement, discharge, or release from active duty service or control of the Active Army, to include the DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge). The specific instructions for preparation of the DD Form 214 shows:

a. Item 1 (Last Name -First Name-Middle Name) enter last name, first name and full middle name or names, if any.

b. Item 11b (Station or Installation at which Effected) shows "self-explanatory."

c. Item 12 (Last Duty Assignment and Major Command) enter the individual's current unit of assignment and the title of the major command or agency having jurisdiction over that organization.

d. Item 22c (Foreign and/or Sea Service) enter total active duty outside continental limits of the U.S. for the period covered by the DD Form 214 and the last oversea theater in which service was performed, e.g. "Foreign and/or Sea Service (USAREUR).

e. Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) enter from the DA Form 20 (Enlisted Qualification Record) all decorations, service medals, campaign credits, and badges awarded or authorized awarded or authorized omitting the authorities cited therein.

3. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the awards received by units serving in Vietnam. This pamphlet shows Headquarters, U.S. Army Vietnam and its subordinate units were awarded the Republic of Vietnam Gallantry Cross with Palm Unit Citation for the period 20 July 1965 to 28 March 1973, in Department of the Army General Orders Number 8, dated 1974.

//NOTHING FOLLOWS//