

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 July 2024

DOCKET NUMBER: AR20230014536

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

- Item 12 (Last Duty Assignment or Command) – Company B, 2nd Battalion, 8th Infantry, 4th Infantry Division, Vietnam
- Item 23 (Specialty Number and Title) – 16B40 (Hercules Missile Crewman)

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

- DD Form 149 (Application for Correction of Military Record)
- Applicant's Summary of Units
- Special Orders Number 350, 16 December 1967
- Special Orders Number 102, 11 April 1968
- Special Orders Number 115, 24 April 1968
- DA Form 1811 (Physical and Mental Status on Release from Active Duty), 24 April 1968
- DD Form 214, for the period ending 24 April 1968
- Letter Orders Number 04-1066860, Subject: Discharge from U.S. Army Reserve (USAR), 26 April 1971
- National Personnel Records Center (NPRC) Letter, 27 July 2009

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 his DD Form 214 should be changed to show in item 12 - 8th Infantry Regiment, 4th Infantry Division, Vietnam; and in item 23 - 16B40 (Hercules Missile Crewman).
3. As a related item, the Board may consider the Army Good Conduct Medal for the period 7 May 1965 through 24 April 1968.

4. The applicant provides:

a. A list that shows the following:

- On May 7 May 1965, Company A, 2nd Training Brigade, 4th Battalion, Fort Polk, LA
- On 24 July 1965, Battery B, 5th MSL Battalion (NH) 517th Artillery (Herc), Dyess Airforce Base, Texas
- On 28 April 1966, Battery D, 6th Battalion (HAWK) 65th Artillery, U.S. Naval Air station, Key West, FL
- For the period 15 July 1967 to 24 April 1968, Company B, 2nd Battalion, 8th Infantry, 4th Infantry Division, Vietnam

b. Special Orders Number 350, issued by Headquarters, 4th Infantry Division, 16 December 1967, shows the applicant's MOS as 16B40.

c. Special Orders Number 102, issued by Headquarters, 4th Infantry Division, 11 April 1968, shows the applicant's unit as 8th Infantry Vietnam and his MOS as 64B40.

d. Special Orders Number 115, issued by Headquarters, U.S. Army Personnel Center, 24 April 1968, shows the applicant's MOS as 76D40.

e. A NPRC letter, 27 July 2009, which shows the applicant was awarded the National Defense Service Medal, Vietnam Service Medal with three bronze service stars, Combat Infantryman Badge, Republic of Vietnam Campaign Medal with Device (1960), Expert Marksmanship Qualification Badge with Rifle Bar, and the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters.

5. A review of the applicant's service record shows:

a. On 7 May 1965, the applicant enlisted in the Regular Army.

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

(1) item 22 (MOS) – 16B40 (Hercules Missile Crewman), 76D40 (Supply Parts) and 11B40 (Infantryman).

(2) item 27 (Military Education) – no entries.

(3) item 31 (Foreign Service) – service in Vietnam, 18 July 1967 to 30 April 1968.

(4) item 38 (Record of Assignments) –

- his MOS in Basic Training was 16B from 24 July 1965 to 3 May 1966
- his MOS while assigned to Company B, 2nd Battalion (Mechanized) 8th Infantry, 4th Infantry Division, Vietnam was 76D (Repair Parts Specialist), from 28 July 1967 to 23 April 1968

c. The following orders show the applicant's MOS as 11B: Special Orders Number 66, 7 March 1967; Special Orders Number 88, 6 June 1967; Special Orders Number 153, 2 June 1967; Special Orders Number 160, 9 June 1967; and Special Orders Number 275, 2 October 1967.

d. General Orders Number 1203, issued by Headquarters, 4th Infantry Division, 30 March 1968, shows in part, he was awarded the Army Commendation Medal; his unit is listed as Company B, 2nd Battalion, 8th Infantry, 4th Infantry Division, APO 96262.

6. On 24 April 1968, he was honorably released from active duty and transferred to USAR Control Group. His DD Form 214 shows he completed 2 years, 11 months, and 18 days of active service. It also shows in:

a. Item 23 (Specialty Number, and Title) – 76D40 Support Parts Specialist.

b. Item 25 (Education and Training Completed) – there are entries, however there are no entries for 16B or 76D MOS.

c. He was awarded or authorized the National Defense Service Medal, Vietnam Service Medal, Republic of Vietnam Campaign Medal with Device (1960), Combat Infantryman Badge, Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14), and one overseas bar.

d. Item 30 (Remarks) – has entries but does not show his service in Vietnam.

7. The applicant also provides Letter Orders Number 04-1066860, issued by the Adjutant General, 26 April 1971, which shows he was discharged from the USAR Control Group Standby, effective 6 May 1971. His MOS is listed as 11B40.

8. His records are void of a commander's disqualification for award of the Army Good Conduct Medal (1st Award) for the period 24 April 1968 to 7 May 1965.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. Last Unit of Assignment: Grant. The evidence of record shows the applicant was assigned to Company B, 2nd Battalion, 8th Infantry, 4th Infantry Division in Vietnam. His DD Form 214 inadvertently omitted the Regiment's number and listed his last unit as Company B, 2nd Battalion, 2nd Brigade, 4th Infantry Division, APO 96262, USARV. An addition of the numbered Regiment is appropriate.

b. Primary Specialty: Grant. The applicant held primary MOS 76D and secondary MOS 16B. The DD Form 214 lists the primary specialty held by the enlisted Soldier at the time of separation. The applicant held MOS 76D at the time of separation. Therefore, there is no error. However, since he also held SMOS 16B, the Board determined as a matter of equity, a listing of this secondary MOS in the Remarks Block of his DD Form 214 is appropriate.

c. Army Good Conduct Medal: Grant. The applicant served in active duty from 7 May 1965 to 24 April 1968, completing 2 years, 11 months, and 18 days of active service. He completed a tour in Vietnam and received "excellent" conduct and efficiency ratings. His records are void of any disciplinary actions or a commander's disqualification for award of the Army Good Conduct Medal (1st Award). The Board determined he meets the criteria for this award.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

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 for service during the period 3 September 1969 through 6 April 1971
- Amending his DD Form 214 as follows:
 - Block 12, delete current entry, and add Company B, 2nd Battalion, 8th Infantry, 2nd Brigade, 4th Infantry Division, APO 96262, USARV.
 - Block 24, add the Army Good Conduct Medal
 - Block 30, add "Secondary MOS: 16B, Hercules Missile Crewman

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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):

A review of the applicant's service records show he was awarded or authorized the following awards not reflected on his DD Form 214. As a result, amend his DD Form 214 to show:

- three bronze service stars to his previously issued Vietnam Service Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation (2nd Award)
- Republic of Vietnam Civil Actions Honor Medal First Class
- Army Commendation 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 635-5 (Personnel Separations), in effect, at the time, prescribes policy and procedural guidance relating to transition management. It consolidates the policies, principles of support, and standards of service regarding processing personnel for transition. Chapter 2 (Instructions for Preparing DD Form 214) provides detailed instructions for data required in each item of the DD Form 214.

a. Item 12: For personnel reassigned on orders to a transfer activity or to a medical holding detachment prior to separation, enter the losing unit of assignment as shown in the standard name line (SNL) and the title of the major command or agency having jurisdiction over the losing unit of assignment as shown in the lead line "Maj Comd/ Agency" of the orders re- assigning the individual to the transfer activity or the medical holding detachment. For all other personnel, enter the individual's current unit of assignment and the title of the major command or agency having jurisdiction over the organization. Titles for major commands or agencies are shown in appendix C.

b. Item 23a and b: In item 23a, enter primary MOS code number, title and date of award. In addition, enter PMOS score and date of score. If the enlisted person has not received a PMOS evaluation score, enter none.

c. Item 24: enter from section 9, DA Form 20 all decorations, service medals, campaign credits and badges awarded or authorized, omitted authorities cited therein.

d. Item 30: indicate Indochina and Korea service on or after 5 August 1964 by entering inclusive dates of service for Vietnam and indication yes or no for service in Indochina and Korea.

3. Army Regulation 600-8-22 (Military Awards) states a bronze service star is worn on the appropriate service ribbon, to include the Vietnam Service Medal, for each credited campaign.

4. 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 the unit to which the applicant was assigned was cited for award of the following:

- Republic of Vietnam Gallantry Cross with Palm Unit Citation for the period October 66 to 28 July 1969, Department of the Army General Order Number (DAGO) 3, 1970
- Republic of Civil Actions Honor Medal First Class for the period 1 October 1966 to 31 October 1969, DAGO 53, 1970.

//NOTHING FOLLOWS//