

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 October 2024

DOCKET NUMBER: AR20230014850

APPLICANT REQUESTS:

- correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show his time in Vietnam and decorations and awards
- an appearance before the board via video/telephone

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

- DD Form 149 (Application for Correction of Military Record)(duplicate)
- Congressional Privacy Release Form, 8 November 2023
- Congressional Liaison and Inquiries Letters, 7 December 2023, and 14 December 2023

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 application does not show his time in Vietnam, his decorations, and awards.
3. The applicant's service records show the following information:
 - a. DD Form 47 (Record of Induction), item 24a (Date Inducted) shows he was inducted into the Army of the United States on 3 May 1966.
 - b. His DA Form 20 (Enlisted Qualification Record) reflects the following information:
 - item 22 (Military Occupational Specialty (MOS)) reflects his MOS 11B (Light Weapons Infantryman)
 - item 31 (Oversea Command) reflects he served in the U.S. Army Reserve Pacific (USARPAC)-Vietnam from 10 January 1967 through 9 January 1968

- item 38 (Record of Assignments): 28 January 1967 to 9 January 1968-Company A, 2nd Battalion, 47th Infantry, 9th Infantry Division in USARPAC; his conduct and efficiency ratings reflect “excellent” and “unknown”
- item 39 (Campaigns) Vietnam Counteroffensive Phase II
- item 41 (Awards and Decorations): reflects two overseas bars and the Republic of Vietnam Campaign Medal with 1960 device

c. General Orders Number 7780, 31 December 1967 shows the applicant was awarded the Army Commendation Medal for meritorious service in connection with military operations against a hostile force while assigned to Company A, 2nd Battalion, 47th Infantry, 9th Infantry Division in USARPAC.

d. His DD Form 214 for the period ending on 2 May 1968 reflects he was honorably released from active duty and transferred to the United States Army Reserve (USAR). He completed 2 years of net active service with 1 year of foreign service in-Vietnam. Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) shows he was awarded or authorized:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal
- Combat Infantryman Badge
- Marksman Marksmanship Qualification Badge with Rifle Bar

e. Letter Orders Number 04-1143449, 19 April 1972 reflects the applicant was discharged on 2 May 1972 from the USAR.

f. His record does not reflect any orders authorizing the award of the Army Good Conduct Medal. In addition, his record does not contain any derogatory information.

g. The applicant is authorized additional awards not listed on his DD Form 214.

4. By regulation, (AR 15-185), the ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. 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.

BOARD DISCUSSION:

1. The Board determined the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

2. 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. The evidence of record shows the applicant served on active duty from 3 May 1966 to 2 May 1968 completing 2 years of active service. He received excellent conduct and efficiency ratings, and his record does not contain any derogatory information or a commander's disqualification memorandum for the Army Good Conduct Medal. Therefore, the Board determined he meets the criteria for this award.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

■	■	■	GRANT FULL RELIEF
:	:	:	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 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 (2nd Award) for service during the period 3 May 1966 to 2 May 1968
- Adding award of the Army Good Conduct (1st Award) to his DD Form 214

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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 records shows he is authorized the following:

a. Item 24: add the following awards-

- Vietnam Service Medal with one bronze service star
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Army Commendation Medal
- Republic of Vietnam Civil Actions Honor Medal, First Class-19 December 1966-28 June 1969, DAGO 59, 1969

b. Item 30 (Remarks): "Service in Vietnam from 10 January 1967 through 9 January 1968"

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 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. 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.

3. Army Regulation 672-5-1 (Awards), in effect at the time, states the Army Good Conduct Medal was awarded for each 3 years of continuous enlisted active Federal military service 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; 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. 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) shows his unit of assignment during his service in Vietnam was cited by:

a. Department of the Army General Order (DAGO) Number 8, dated 1974, awarded the RVN Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Military Assistance Command, and its subordinate units during the period 8 February 1962 to 28 March 1973 and to Headquarters, U.S. Army Vietnam, and its subordinate units during the period 20 July 1965 to 28 March 1973.

b. Department of the Army General Order (DAGO) Number 59, dated 1969, awarded the RVN Civil Actions Honor Medal, First Class to 2nd Battalion, 47th Infantry, 9th Infantry Division during the period of 19 December 1966 to 28 June 1969.

5. Army Regulation 600-8-22 (Military Awards) states, the Vietnam Service Medal is awarded to all 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. Qualifying service also included temporary duty for 30 consecutive days or 60 nonconsecutive days in Vietnam or contiguous areas, except that the time limit may be waived for personnel participating in actual combat operations.

6. Army Regulation 600-8-22 (Military Awards) states, one bronze service star is authorized for each campaign under the following conditions: One bronze service star is authorized for each campaign under the following conditions:

(1) Assigned or attached to and present for duty with a unit during the period in which it participated in combat.

(2) Under orders in the combat zone and in addition meets any of the following requirements:

- awarded a combat decoration

- furnished a certificate by a CG of a corps, higher unit, or independent force that Soldier participated in combat
- served at a normal post of duty (as contrasted to occupying the status of an inspector, observer, or visitor)
- aboard a vessel other than in a passenger status and furnished a certificate by the homeport commander of the vessel
- that he or she served in the combat zone

7. Army Regulation 635-5 (Separation Documents) in effect at the time, established the standardized policy for preparing and distributing the DD Form 214. It states that item 30 (Remarks) to reflect the total active-duty service performed outside the continental limits of the United States for the period covered by the DD Form 214.

//NOTHING FOLLOWS//