

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 September 2024

DOCKET NUMBER: AR20240000172

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

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 47 (Record of Induction), 10 October 1966
- DA Form 20 (Enlisted Qualification Record), 10 May 1968
- DD Form 214
- Honorable Discharge Certificate, 9 October 1972
- National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service in the Army National Guard of Kansas and as a Reserve of the Army), 1 March 1976
- NGB Honorable Discharge Certificate, 1 March 1976
- Military Biography

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 he served in Vietnam from January 1968 through February 1968, a total of 33 days in country. He needs his foreign service in Vietnam recorded on his DD Form 214 so he can apply for veterans' compensation under the Promise to Address Comprehensive Toxics Act of 2022. He volunteered to go Vietnam in the place of another Soldier. He was part of a group of 25 to 30 Soldiers who flew out of McGuire Air Force Base, NJ, on what was initially an S-4 (Logistics) mission that landed in Cam Ranh Bay, Vietnam. When they arrived, he was assigned to the 503d Military Police Battalion, 101st Airborne Division, Khe Sanh, Vietnam. He was exposed to Agent Orange and now at age 76, he has several presumptive medical conditions that he cannot claim due to his missing Vietnam service.

3. He was inducted into the Army of the United States on 10 October 1966.
4. His DA Form 20 shows in:
 - a. item 31 (Foreign Service), no entries
 - b. item 38 (Record of Assignments), upon completion of basic combat and advanced individual training, he was assigned to:
 - Company B, 1st Battalion (Student), U.S. Army Engineer Officer Candidate Regiment, Fort Belvoir, VA, as an engineer officer candidate student from 20 March 1967 through 21 August 1967
 - Headquarters and Headquarters Company (Student), U.S. Army Engineer Officer Candidate Regiment, Fort Belvoir, VA, as a clerk typist from 22 August 1967 through 11 October 1967
 - Headquarters Detachment, 2d Basic Combat Training Brigade, Fort Dix, NJ, as a clerk typist from 12 October 1967 through 9 July 1968
 - Company A, 5th Battalion, 2d Basic Combat Training Brigade, Fort Dix, NJ, as a clerk typist from 10 July 1968 through 3 October 1968
5. He was honorably released from active duty on 9 October 1968. He completed 2 years of net active service during this period. Item 22c (Foreign and/or Sea Service) of his DD Form 214 does not show any entries for foreign service.
6. His Honorable Discharge Certificate, 9 October 1972, shows he was honorably discharged from the U.S. Army on 9 October 1972.
7. He enlisted in the Kansas Army National Guard on 3 January 1975.
8. He was honorably discharged from the Kansas Army National Guard on 1 March 1976. His NGB Form 22 shows he completed 1 year and 2 months of service during this period.
9. His military records are void of any documentation showing he served in Vietnam.
10. He provided his military biography covering the period 10 October 1966 through 1 March 1976 wherein he describes his active duty service, including a 30-day temporary duty assignment in Vietnam, and his service in the Kansas Army National Guard.

BOARD DISCUSSION:

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 review based on law, policy, and regulation. Upon review of the applicant's military service record, they Board was unable to verify the applicant's service in Vietnam. The evidence of record shows the applicant served on active duty from 10 October 1966 to 9 October 1968; however, his service records, including his DA Form 20 (Personnel Qualification Record) does not show a history of foreign service. Therefore, the Board determined there was no error and denied relief for the applicant's request for foreign service credit in the Republic of Vietnam.

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.

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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.

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 (Army Board for Correction of Military Records) prescribes policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. Board members will review all applications that are properly before them to determine the existence of an error or injustice and direct or recommend changes in military records to correct the error or injustice, if persuaded that material error or injustice exists and that sufficient evidence exists in the record. The ABCMR will decide cases on the evidence of record; it is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

3. Army Regulation 635-5 (Separation Documents), effective 1 February 1967 and in effect at the time, prescribed the separation documents that must be 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.

a. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214, including the DA Form 20 and orders.

b. The detailed instructions stated the total active duty service performed outside the continental limits of the United States for the period covered by the DD Form 214 and the last overseas theater in which the service was performed would be entered in item 22c.

//NOTHING FOLLOWS//