

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 September 2024

DOCKET NUMBER: AR20240001073

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 4 May 1970 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 under the Provisions of Title 10, U.S. Code, Section 1552)
- Self-authored Statement, undated
- DD Form 214

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 reflect his service in the Republic of Vietnam, thereby classifying him as a Vietnam veteran. He was stationed at Fort Ord, CA, and then went to Fort Lewis, WA, to catch his flight to his follow-on assignment in Germany. Unfortunately, he was placed on the wrong airplane and landed in Vietnam. He was in Vietnam for approximately 17 days before being transported to Germany for his assignment at Darmstadt Army Base. He never realized his service in Vietnam wasn't recorded on his DD Form 214 until now and he needs his veterans' benefits.
3. He enlisted in the Regular Army on 10 May 1967 with parental consent. He was awarded military occupational specialty 71F (Army Postal Clerk) upon completion of training.
4. His DA Form 20 (Enlisted Qualification Record) shows in:

- item 31 (Foreign Service) – he received overseas tour credit for service in U.S. Army Europe (USAREUR)-Germany from 15 January 1968 through 6 May 1970 [sic], a period of 2 years, 3 months, and 22 days
- item 38 (Record of Assignments) –
 - he departed Fort Ord en route to USAREUR (Germany) on 15 December 1967
 - he was assigned to the 29th Army Postal Unit, USAREUR, as a postal clerk from 16 January 1968 through 28 April 1970, a period of 2 years, 3 months, and 13 days
 - he departed his unit en route to the continental United States on 29 April 1970
 - he was released from active duty on 4 May 1970

5. He was honorably released from active duty on 4 May 1970. He completed 2 years, 11 months, and 25 days of net active service during this period. Item 22c (Foreign and/or Sea Service) of his DD Form 214 shows he completed 2 years, 3 months, and 18 days of foreign service under the command of USAREUR.

6. His military records are void of any documentation showing he served in the Republic of Vietnam at any time.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, the Board found that relief was not warranted. The applicant's contentions, his military records, and regulatory guidance were carefully considered. The evidence of record shows, upon completion of MOS training, the applicant departed Fort Ord enroute to Germany on 15 December 1967. He was assigned to 29th Army Postal Unit, USAREUR, as a postal clerk from 16 January 1968 to 28 April 1970, a period of 2 years, 3 months, and 13 days. He then departed his unit enroute to the continental United States on 29 April 1970, and was ultimately separated on 4 May 1970. His military records are void of any documentation showing he served in the Republic of Vietnam at any time, and he provides none to confirm such service. Therefore, the Board determined there is insufficient evidence to grant him the requested relief.

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 (for example, USAREUR) in which the service was performed would be entered in item 22c.

//NOTHING FOLLOWS//