

IN THE CASE OF: [REDACTED]

BOARD DATE: 31 October 2024

DOCKET NUMBER: AR20240001180

APPLICANT REQUESTS:

- Reconsideration of his previous request for correction of Item 16 (Date Inducted) of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to read 9 December 1963
- As new issues:
  - mail the Presidential Unit Citation and the Vietnam Service Medal with 1 bronze service star to him
  - add the Valorous Unit Award (1st Oak Leaf Cluster)
  - add qualified weapons: 45, Shotgun, AR 15 and M14 machine gun

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Note
- ABCMR Letter
- General Order Number 40
- DD Form 214

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20070009682 on 6 December 2007.
2. The applicant states in effect to correct his induction date to read 9 December 1963. Please mail the Presidential Unit Citation and the Vietnam Service Medal with 1 Bronze Service Star. Also, add the Valorous Unit Award (1st Oak Leaf Cluster) and the weapons that I qualified for the 45, the shotgun, the AR 15, and M14 machine gun.
3. The applicant provides an extract of General Order number 40 that shows the eligibility of Presidential Unit Citation, Valorous Unit Award, and the Meritorious Unit commendation Award.

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

a. he was inducted into the Army of the United States on 9 December 1963.

b. His DA Form 20 (Enlisted Qualification Record) shows he served in Vietnam from 18 August through 22 November 1965. He performed duties as a wireman with Battery B, 1st Battalion, 77th Artillery, 1st Cavalry Division (Airmobile).

c. His DD Form 214 shows he was honorably released from active duty on 12 January 1966. His DD Form 214 shows he completed 2 years, 1 month, and 4 days of active service. It also shows in:

- Block 16, Date of Induction 9 December 1965
- Block 26 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized): he was awarded the following: Marksman Marksmanship Qualification Badge with M-16 Rifle Bar and Sharpshooter Marksmanship Qualification Badge (AR 15)

d. A DD Form 215 (Correction to the DD Form 214) was issued on 2 May 2008, shows the applicant's induction date was corrected to reflect 9 December 1963.

5. On 6 December 2007, the ABCMR rendered a decision in Docket Number AR20070009682. The Board determined that the evidence presented was 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:

a. changing Item 16 (Date of Induction) of the applicant's DD Form 214 to show "9 December 1963;"

b. awarding the Vietnam Service Medal with 1 bronze service star and correcting his record to show this award.

c. awarding the applicant the AGCM (1st Award) for the qualifying period of 9 December 1963 through 12 January 1966 and correcting his record to show this award; and

d. awarding the Republic of Vietnam Gallantry Cross with Palm Unit Citation and correcting the record to show this award.

6. The applicant's unit, 1st Battalion, 77th Artillery, was awarded the Valorous Unit Award for the period 1 May through 29 June 1970 (outside the period he served with that unit).

7. On 7 May 2008, ABCMR rendered a letter to the applicant informing the corrective action directed by the Board. Informing the applicant if the awards were not received to contact the Commander, SBCCOM, Attention: Soldier Systems Directorate, [REDACTED]  
[REDACTED] Reference Awards Case Number is  
[REDACTED]

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 request, supporting documents, evidence in the records, and published DoD guidance for liberal consideration of discharge upgrade requests.

a. Date of Induction: No action. The applicant's date of inducted has already been corrected and the applicant was previously issued a DD Form 215 that reflects this correction. Therefore, there is no further correction required by the Board.

b. The Valorous Unit Award: Deny. The applicant's unit was awarded the Valorous Unit Award for the period 1 May through 29 June 1970. The applicant was not assigned to this unit during the time the unit was awarded the Valorous Unit Award. He served with that unit in August 1965. Therefore, the Board determined he does not qualify for this award.

c. Marksmanship Badges: Deny. There are no records such as a firing record, special order, memorandum, or other documentary evidence that shows the applicant qualified with the requested weapon systems and/or the degree of qualification. Therefore, the Board determined there is insufficient evidence to grant him the requested marksmanship badges.

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.

10/31/2024

X

CHAIRPERSON

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 (AR) 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. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) assist commanders and personnel officers in determining or establishing the eligibility of individual members for campaign participation credit, assault landing credit, and unit citation badges awarded during the Vietnam Conflict.

Department of the Army General Orders (DAGO) Number 43, dated 1975, awarded the Valorous Unit Award to 1st Battalion, 77th Artillery, for service in Vietnam for the period of 1 May – 29 June 1970.

//NOTHING FOLLOWS//