

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 October 2024

DOCKET NUMBER: AR20240001687

APPLICANT REQUESTS: award of the Vietnam Service Medal based on his service in Thailand.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), 30 August 1967
- Separation Order, 30 August 1967
- Military Occupational Specialty (MOS) Order, 22 March 1967
- Promotion to E-4 orders
- DA Form 20 (Enlisted Qualification Record)
- Code of Federal Regulation Article, Vietnam Service Medal

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 believes that Executive Order #11 231 and its amendment in 1973 makes him eligible for Vietnam Service Medal, so he may be eligible for VFW (Veterans of Foreign Wars) membership.
3. The applicant was inducted into the Army of the United States on 23 November 1965. He held MOS 63H, Automotive Repairer.
 - a. His DA Form 20, Enlisted Qualification Record, shows he served in Thailand from 27 May 1966 to on or about 26 August 1967. He was assigned to 57th Maintenance Company (Light), 7th Maintenance Battalion (Direct Support).

b. His DA Form 20 also shows he attained the rank/grade of specialist four (SP4)/E-4 and received excellent conduct and efficiency ratings throughout his military service.

c. He was honorably released from active duty in the rank/grade of SP4/E-4 on 30 August 1967 after completing 1 year, 9 months, and 8 days of active service. His DD Form 214 shows he was awarded or authorized:

- National Defense Service Medal
- Expert Marksmanship Badge with Rifle Bar.

4. His service record does not contain derogatory information such as lost time or conviction by a court-martial, which could have disqualified him from receiving the Army Good Conduct Medal (1st Award).

5. The regulation governing award of the Vietnam Service Medal to members serving in Thailand during the period of eligibility (AR 600-8-22) states servicemembers serving in direct support of operations in Vietnam are also eligible for this award. Direct support is defined as services being supplied to participating forces in the area of eligibility and includes units, ships, and aircraft providing it involves actually entering the designated area and ships and aircraft providing fire, patrol, guard, reconnaissance, or other military support within the designated area of eligibility. There is a stipulation that direct support "involves actually entering the designated area." This refers to the servicemember actually entering the designated area.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief was warranted.

2. The Board carefully considered the applicant's request, his record of service to include his service Thailand, his MOS and assignment to a direct support maintenance battalion and the policies applicable to his requested correction. The Board determined that his service met the criteria for award of the Vietnam Service Medal. The Board further determined that there was no misconduct or disqualifying documents in his record and therefore found him eligible for award of the Army Good Conduct Medal. Based on a preponderance of evidence, the Board determined that the absence of these two awards was in error and required correction.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- Awarding him the Vietnam Service Medal;
- Awarding him the Army Good Conduct Medal for the period of service from 23 November 1965 to 30 August 1967, and;
- Amending the applicant's DD Form 214, for the period ending 30 August 1967 to show award of the VSM and the AGCM in item 24.

4/28/2025

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 600-8-22 (Military Awards) states:

a. 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. Members in Thailand, Laos, or Cambodia during the same period and serving in direct support of operations in Vietnam are also eligible for this award. Direct support is defined as services being supplied to participating forces in the area of eligibility and includes: units, ships, and aircraft providing it involves actually entering the designated area; and ships and aircraft providing fire, patrol, guard, reconnaissance, or other military support within the designated area of eligibility.

b. The Glossary for Army Regulation 600-8-22 defines direct support as services being supplied to participating forces in the area of eligibility by ground units, ships, and aircraft provided it involves actually entering the designated area of eligibility (emphasis added). This includes units, ships, and aircraft providing logistic, patrol, guard, reconnaissance, or other military support within the designated area of eligibility.

3. Army Regulation 672-5-1 (Awards), in effect at the time, stated 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. Service school efficiency ratings based upon academic proficiency of at least "Good" rendered subsequent to 22 November 1955 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.

//NOTHING FOLLOWS//